

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - *
NE/S York Road at Howard Avenue * DEPUTY ZONING COMMISSIONER
(1705 York Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
1705 York Road. LLC * Case No. 96-193-SPHXA
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 1705 York Road, located in the vicinity of Howard Avenue in Lutherville. The Petitions were filed by the owner of the property, 1705 York Road, LLC, by Lawrence Thaner, Managing Member, and the Contract Purchaser/Lessee, National Tire Warehouse, by David Lawrence, Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek approval of a use permit for parking in a residential zone and a special exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief as follows: From Sections 232.1 and 303.2 to permit a front yard setback of 56 feet in lieu of the required 75 feet, and from Section 1B01.1B.1.c.2, e.3 and e.5 to permit Residential Transition Area (RTA) setbacks of 0 feet on the north side and 17 feet on the south side, in lieu of the required 75 feet and 50 feet, respectively. The subject property and relief requested are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David Lawrence, a representative of National Tire Warehouse, Contract Purchaser/Lessee, William P. Monk, Landscape Planning and Zoning Consultant, Ted

ORDER RECEIVED FOR FILING
Date 2/26/96
By [Signature]

Britt, and Robert A. Hoffman, Esquire, attorney for the Petitioners. John Austin, Esquire, appeared and testified on behalf of the York Manor Improvement Association, a Protestant in the matter.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.53 acres, more or less, split zoned B.L. and D.R. 5.5, and is improved with greenhouses and accessory buildings previously used in the operation of a florist shop. The split zoning of the property is significant in that the front portion of the site along York Road is zoned B.L., with the rear of the site zoned D.R. 5.5. The Petitioners propose to utilize the subject property as a retail tire sales and service garage for the national retail tire chain known as National Tire Warehouse. Proposed improvements to the site include removing the existing structures and constructing a one-story building to house the proposed use. The Petitioners submitted into evidence as Petitioner's Exhibits 1 and 2, site plans of the property showing the proposed improvements and a prototype of the National Tire Warehouse (NTW) building. NTW has opened several other retail tire stores/service garages in and around Baltimore County and intend to utilize a similar prototype building at the subject location. Due to the rectangular shape of the lot and its split zoning, the proposed building will utilize most of the area towards the front of the site zoned B.L., and parking will be to the rear of the property, which is zoned D.R. 5.5. Thus, the relief requested is necessary in order to proceed as proposed.

At the preliminary stage of the public hearing, Mr. Hoffman and Mr. Austin, on behalf of the York Manor Improvement Association, stated that both parties had reached an agreement concerning the proposed development of the subject site by NTW, except for the relocation of the parking

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spaces originally proposed to front Howard Avenue and a dumpster pad to the rear of the site. The terms of the agreement that were reached between NTW and the surrounding neighborhood shall be contained within the conditions and restrictions imposed at the end of this Order.

At the close of the hearing on December 12, 1995, Mr. Hoffman, on behalf of NTW, and Mr. Austin on behalf of his clients, agreed to continue negotiations to resolve all outstanding issues regarding the proposed NTW retail sales and service garage. After discussions between the parties, Mr. Hoffman submitted to me, by letter dated February 13, 1996, a revised site plan, marked as Petitioner's Exhibit 3, depicting the final agreement between the parties, except for the placement of 6 of the 12 parking spaces and dumpster pad. NTW agreed to eliminate the 12 parking spaces which were originally proposed to front Howard Avenue, and proposed to relocate 6 of those spaces and the dumpster pad to the rear of the site in the D.R. 5.5 zone. This would allow the proposed building to be shifted further away from the residential properties abutting this site on the south side. Furthermore, inasmuch as the number of parking spaces to be provided by NTW far exceeded that required, NTW agreed that only 6 of the 12 parking spaces proposed to be relocated would be replaced. By letter dated February 20, 1996, Mr. Austin advised this office that he agreed with the terms expressed in Mr. Hoffman's letter of February 13, 1996, except for the placement of the 6 spaces and dumpster pad to the rear of the site in the D.R. 5.5 zone. It was further requested that the 6 parking spaces not be approved, inasmuch as NTW will have ample parking at this site.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It

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By [Signature]

has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare. However, given the fact that NTW will be able to provide adequate parking for the use proposed on this site, I am persuaded to grant the request set forth in Mr. Austin's letter of February 20, 1996. Therefore, the 6 parking spaces and dumpster pad which were proposed to be relocated to the rear of this site in the D.R. 5.5 zone shall be eliminated from the plan, and the Petitioners shall submit a plan showing the proposed relocation of the dumpster to the Office of Planning and Zoning for review and approval prior to the issuance of any permits.

As to the special exception relief sought, it is clear that the B.C.Z.R. permits the use proposed in a B.L./D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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By

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

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Date 7/26/76
By [Signature]

if the variance relief were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996, that the Petition for Special Hearing seeking approval of a use permit for parking in a residential zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: From Sections 232.1 and 303.2 to permit a front yard setback of 56 feet in lieu of the required 75 feet, and from Section 1B01.1B.1.c.2, e.3 and e.5 to permit Residential Transition Area (RTA) setbacks of 0 feet on the north side and 17 feet on the south side, in lieu of the required 75 feet and 50 feet, respectively, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan depicting the modified parking agreement which eliminates the six (6) parking spaces that were to be relocated to the rear of this site. Furthermore, the Petitioners shall submit a plan showing the proposed location of the dumpster to the Office of Planning and Zoning for review and approval, prior to the issuance of any building permits.

3) The special exception relief granted herein is limited to the B.L. zoned portion of the site. There shall be no expansion of this special exception into the D.R. 5.5 zoned portion of the site.

4) All lighting for the subject site shall be as shown on Petitioner's Exhibit 3. The light standards shall contain the shoe-box type of lighting shades and shall be illuminated Monday through Saturday, from 7:00 AM to 8:00 PM, only. From 9:00 PM until sunrise daily, NTW shall only utilize security lighting to illuminate the property as is appropriate for security purposes.

5) Any and all alarms or bells which shall be installed on the building itself shall be oriented towards York Road so as not to impose upon the quiet enjoyment of the surrounding residential community.

6) The residential zoned portion of the site located to the rear of the property behind the parking area shall remain undeveloped in its natural state, with the exception of the additional screening and landscaping which is to be installed by the Petitioner.

7) The Petitioner shall replace the existing wood fence with a new wood fence, and shall maintain same in good condition.

8) The identification sign for NTW shall be as shown on Petitioner's Exhibit 1, and shall be similar to the sign which is presently used to identify the NTW store on Reisterstown Road. There shall be no temporary banners or inflatable promotional devices used at the subject site, except for a two-week period during NTW's grand opening.

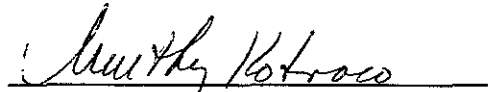
9) All tires, both new and used, shall be stored within the building itself. No tires shall be permitted to be stored outside on the property.

10) The height of the NTW building is limited to 18'10" and the landscaping proposed along the south and east property lines shall be Leland Cypress and evergreens as shown on Petitioner's Exhibit 3.

11) All deliveries to and from NTW shall be made during regular business hours. Furthermore, all trash removal from the subject site shall be done during regular business hours.

12) The parking spaces located to the rear of the subject property in the D.R. 5.5 zoned portion of the site, shall be utilized for parking by NTW employees and customers, only, and shall not be used for any other purpose.

13) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO

Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/26/96
By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - *
NE/S York Road at Howard Avenue * DEPUTY ZONING COMMISSIONER
(1705 York Road) *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
1705 York Road, LLC * Case No. 96-193-SPHXA
Petitioners *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variances for a service garage on the subject property in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1.

WHEREAS, the relief was granted, subject to certain conditions and restrictions, by Order issued February 26, 1996.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office of a discrepancy in Restriction No. 4 concerning the hours that lighting on the subject property can be provided, and requested a modification thereof.

After due consideration of their request for modification, it appears that Restriction No. 4 should be modified and I shall so Order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of February, 1996 that the Order issued February 26, 1996 should be AMENDED to modify Restriction No. 4 as follows:

"4) All lighting for the subject site shall be as shown on Petitioner's Exhibit 3. The light standards shall contain the shoe-box type of lighting shades. After 9:00 PM until sunrise, NTW shall only utilize security lighting to illuminate the property as is appropriate for security purposes."

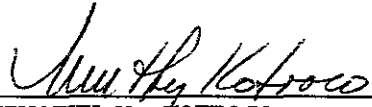
ORDER RECEIVED FOR FILING

Date

By

RECEIVED

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued February 26, 1996 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

Mr. Lawrence Thaner, Managing Member, 1705 York Road, LLC
1705 York Road, Lutherville, Md. 21093

Mr. David Lawrence, Manager, National Tire Warehouse
2359 Research Drive, Woodbridge, Virginia 22192-4607

Mr. William P. Monk, 222 Bosley Avenue, Towson, Md. 21204


John Austin, Esquire, 1504 Bedworth Road, Lutherville, Md. 21093

People's Counsel; Case File

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Date

By

2/28/96


Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NE/S York Road at Howard Avenue
(1705 York Road)
8th Election District - 3rd Councilmanic District
1705 York Road, LLC - Petitioners
Case No. 96-193-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lawrence Thaner, Managing Member, 1705 York Road, LLC
1705 York Road, Lutherville, Md. 21093

Mr. David Lawrence, Manager, National Tire Warehouse
2359 Research Drive, Woodbridge, Virginia 22192-4607

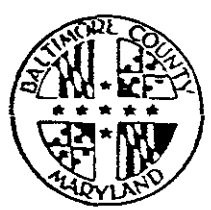
Mr. William P. Monk, 222 Bosley Avenue, Towson, Md. 21204

John Austin, Esquire, 1504 Bedworth Road, Lutherville, Md. 21093

People's Counsel; Case File



And Special Hearing



Petition for Special Exception

76-193-SHKA
to the Zoning Commissioner of Baltimore County

for the property located at 1705 York Road, Lutherville, MD 21093

which is presently zoned BL and DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage in a BL zone pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

And a special hearing to approve a use permit for parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

National Tire Warehouse
(Type or Print Name)
By: [Signature]
Signature David Lawrence, Manager
2359 Research Drive
Address
Woodbridge, VA 22192-4607
City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

1705 York Road, LLC
(Type or Print Name)
By: [Signature]
Signature Lawrence Thaler, Managing Member
(Type or Print Name)
Signature

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name)
[Signature]
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue 494-6200
Address Phone No.
Towson MD 21204
City State Zipcode

1705 York Road
Address Phone No.
Lutherville MD 21093
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Robert A. Hoffman
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
NO REVIEW
11/1/95 40R



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1705 York Road, Lutherville, MD 21093

96-193-SPHXA

which is presently zoned BL and DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

National Tire Warehouse

(Type or Print Name)

By: David Lawrence, Manager

Signature

2359 Research Drive

Address

Woodbridge, VA 22192-4607

City State Zipcode

Attorney for Petitioner.

Robert A. Hoffman

(Type or Print Name)

Signature Venable, Baetjer and Howard, LLP

210 Allegheny Avenue 494-6200

Towson MD 21204

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

1705 York Road, LLC

(Type or Print Name)

By: Lawrence Thayer, Managing Member

Signature

(Type or Print Name)

Signature

1705 York Road

Address

Phone No.

Lutherville MD 21093

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name 210 Allegheny Avenue

Towson, MD 21204 494-6200

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
TO REVIEW

11/1/95

WCR

MICROFILMED

Variance Request

96-193-SPTXA

- A. Variance from Section 232.1 and 303.2 of the Baltimore County Zoning Regulations to permit a front yard setback of 56' in lieu of the required 75'.
- B. Variance from Section ¹~~Z~~B01.1(B)(1)(c)(2) and (e)(3) and (e)(5) to permit RTA setbacks of 0' on the north side of the property and 17' on the south side in lieu of the required 75' and 50' setbacks respectively.
- Setback buffer

RAH/BMS

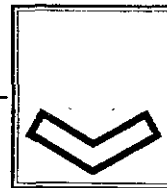
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ORDER RECEIVED FOR FILING
Date 2/26/96
By [Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

188

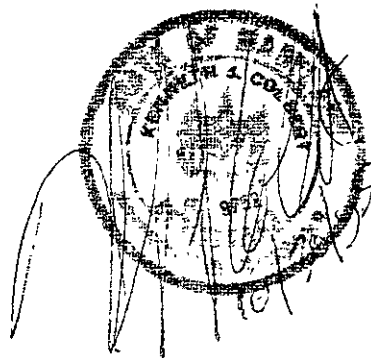


ZONING DESCRIPTION
1705 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

96-193-SPHXA

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF YORK ROAD, 66 FEET WIDE, 300 FEET, MORE OR LESS NORTH OF THE CENTERLINE OF HADDINGTON ROAD AT ITS INTERSECTION WITH YORK ROAD; THENCE BINDING ALONG SAID EAST SIDE OF YORK ROAD (1) NORTH 20 DEGREES 11 MINUTES 51 SECONDS WEST 177.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING (2) NORTH 70 DEGREES 07 MINUTES 12 SECONDS EAST 381.56 FEET; THENCE (3) SOUTH 19 DEGREES 52 MINUTES 48 SECONDS EAST 177.00 FEET; THENCE (4) SOUTH 70 DEGREES 07 MINUTES 12 SECONDS WEST 380.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.55 ACRES OF LAND, MORE OR LESS.



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

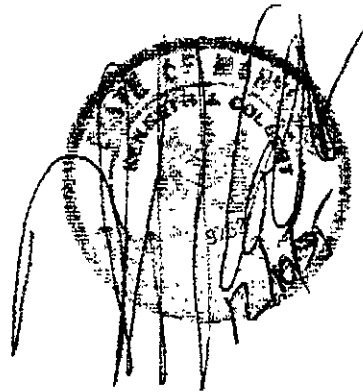


ZONING DESCRIPTION
1705 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF YORK ROAD, 66 FEET WIDE, 300 FEET, MORE OR LESS NORTH OF THE CENTERLINE OF HADDINGTON ROAD AT ITS INTERSECTION WITH YORK ROAD; THENCE BINDING ALONG SAID EAST SIDE OF YORK ROAD (1) NORTH 20 DEGREES 11 MINUTES 51 SECONDS WEST 177.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING (2) NORTH 70 DEGREES 07 MINUTES 12 SECONDS EAST 180.00 FEET; THENCE (3) SOUTH 20 DEGREES 11 MINUTES 51 SECONDS EAST 177.00 FEET; THENCE (4) SOUTH 70 DEGREES 07 MINUTES 12 SECONDS WEST 180.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,860 SQUARE FEET OF LAND, MORE OR LESS.

I:\JOBS\1705YORK.DES, 1



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

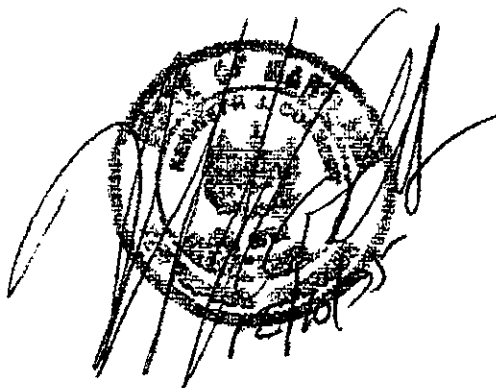


ZONING DESCRIPTION
1705 YORK ROAD
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT 300 FEET MORE OR LESS NORTH OF THE CENTERLINE OF HADDINGTON ROAD AT ITS INTERSECTION WITH YORK ROAD AND NORTH 70 DEGREES 07 MINUTES 12 SECONDS EAST 180.00 FEET FROM THE EAST SIDE OF YORK ROAD, 66 FEET WIDE; THENCE (1) NORTH 20 DEGREES 11 MINUTES 51 SECONDS WEST 177.00 FEET; THENCE (2) NORTH 70 DEGREES 07 MINUTES 12 SECONDS EAST 201.56 FEET; THENCE (3) SOUTH 19 DEGREES 52 MINUTES 48 SECONDS EAST 177.00 FEET; THENCE (4) SOUTH 70 DEGREES 07 MINUTES 12 SECONDS WEST 200.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 35,589 SQUARE FEET OF LAND, MORE OR LESS.

I:\JOBS\1705YORK.DES, 2



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-193-SP HXH
Towson, Maryland

District: 224 Date of Posting: 11/22/05

Posted for: Special Hearing & Exception & Variance

Petitioner: National Fire Warehouse, Inc.

Location of property: 1705 York Rd.

Location of Signs: Facing the Hwy. on property being zoned

Remarks: _____

Posted by: M. H. Hester Date of return: 12/1/05

Signature

Number of Signs: 1



NOTICE OF HEARING:

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-193-SPHXA
(Item 188)
1705 York Road
NE/S York Road, 300' NW of
c/1 Haddington Road
8th Election District
3rd Councilmanic
Legal Owner(s):
1705 York Road, LLC
Contract Purchaser/Lessee:
National Tire Warehouse, Inc.
Hearing, Tuesday, December
12, 1995 at 10:00 a.m. in Rm.
118, Old Courthouse.

Special Hearing: to allow a use permit for parking in a residential zone. **Special Exception:** for a service garage in a B.L. zone. **Variance:** to permit a front yard setback of 56 feet in lieu of the required 75 feet; and to permit PFA setbacks of zero feet on the north side of the property and 17 feet on the south side in lieu of the required 75 feet and 50 feet setbacks respectively.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

11/27/95 Nov. 23. c18720

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 20, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 23, 1995.

THE JEFFERSONIAN,

A. Henrich
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15-325
DROP-OFF — NO REVIEW
ITEM #188

DATE 11/1/95 ACCOUNT 001-6150

96-193-SPHXA

AMOUNT \$ 620.00

RECEIVED FROM: Tri-Tek Engineering, Inc.

FOR: 1705 York Road
#050 - SPI; #020 - CV; #080 - 2 Signs

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15 328
DROP-OFF — NO REVIEW
ITEM #188

DATE 11/1/95 ACCOUNT 001-6150

96-193-SPHXA AMOUNT \$ 100.00

RECEIVED
FROM:

1705 York Road
FOR: SPH - Maximum Fee \$070 (Combined with
previous receipt #154325)

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PUTTOXENT PUBLISHING COMPANY
November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-193-SPHYA (Item 188)
1705 York Road
NE/S York road, 300' NW of c/l Haddington Road
8th Election District - 3rd Councilmanic
Legal Owner: 1705 York Road, LLC
Contract Purchser/Lessee: National Tire Warehouse, Inc.

Special Hearing to approve a use permit for parking in a residential zone.
Special Exception for a service garage in a B.L. zone.
Variance to permit a front yard setback of 56 feet in lieu of the required 75 feet; and to permit RTA setbacks of zero feet on the north side of the property and 17 feet on the south side in lieu of the required 75 feet and 50 feet setbacks respectively

HEARING: TUESDAY, DECEMBER 12, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-193-SPHYA (Item 188)
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HEARING: TUESDAY, DECEMBER 12, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: 1705 York Road, LLC
National Tire Warehouse
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 4, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 188
Case No.: 96-193-SPHXA
Petitioner: 1705 York Rd., Inc.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 1 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 21, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 21, 1995
Item No. 188

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The proposed entrance will be constructed per Dept. of Public Works Road and Street Detail Standard Plate R-32, Single Commercial Entrance.

This proposal is subject to the Landscape Manual. The Special Exception requires that a schematic landscape plan be submitted at this time. The submitted building and parking lot layout generally conforms with the setback requirements of the Landscape Manual in the B.L. portion of the site. The D.R. 5.5 portion of the site must provide 7% interior landscape area in the parking lot.

It is recommended that the ten (10) parking spaces along Howard Avenue be eliminated.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 1705 York Road

INFORMATION:

Item Number: 188

Petitioner: 1705 York Road, Inc.

Property Size: _____

Zoning: BL and DR-5.5

Requested Action: Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant's representatives met with staff both prior and subsequent to the filing of the subject request. In addition, these representatives also met with members of the York Manor Improvement Association to discuss the proposed improvements to Petitioner's site. The applicant's willingness to meet with the community and staff is appreciated.

Based upon a review of the information provided, this office recommends that the request be granted subject to the following conditions:

- 1) A landscape plan should be submitted to the Landscape Planner for review and approval.
- 2) No improvements (other than landscaping) should be permitted within the area of the plan designated as the RTA buffer

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Keras

PK/JL

NOV 22 1995

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/15/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: NATIONAL TIRE WAREHOUSE

LOCATION: NE/S YORK RD., 300' NW OF CENTERLINE HADDINGTON RD.
(1705 YORK RD.)

Item No.: 188 ✓

Zoning Agenda: SPECIAL HEARING
SPECIAL EXCEPTION/VARIANCE

Gentlemen:

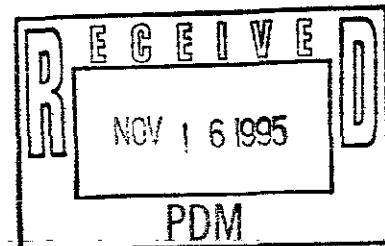
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

96-193-SPH-A

RE: Preliminary Petition Review (Item #188)
Legal Owner: 1705 York Road, LLC
1705 York Road
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The BCZR section reference in "B" of the variance petition wording appears garbled. The BCZR reference should be 1B01.1.B.1., etc. instead of 2B01..., etc. Also, the referenced relief is for setbacks only with no reference to buffers, though the 50-foot buffer dimension is stated.
2. The proposed RTA buffers should be in heavy outline and clearly labeled as to their nature and extent.

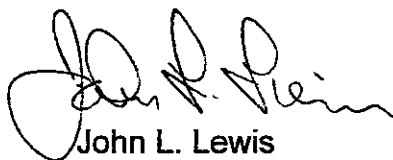


Robert A. Hoffman, Esquire
November 16, 1995
Page 2

3. Confirm the ownership and the right to use the 50-foot Howard Avenue right-of-way shown as "private" on the plan.
4. The special exception area should not be included in the overall description (but described separately for the B.L. zone only) as the D.R. zone does not permit service garage uses by right or by special exception.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with the first name "John" being more prominent.

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

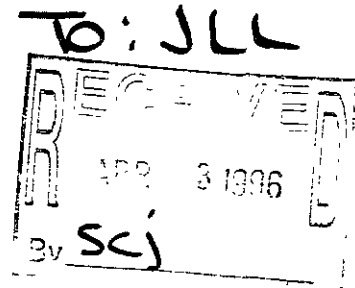
INTER-OFFICE CORRESPONDENCE

DATE: April 3, 1996

To: Mr. Wirth - DEPRM, SWM
Mr. Stewart - DEPRM, EIRD
Mr. Seeley - DEPRM, W & S
Mr. Richards - PDM, Development Control
Mrs. Rorke - PDM, House Numbers & Street Names
Mr. Bowling - PDM, DES (4)
Capt. Paull - Fire Dept. - 1102F
Mr. Grossman - Rec & Parks
Mr. Small - SHA (3)
Mr. McDaniel - OPZ, Development Review (3)

From: Carol A. Brown CAB

Subject: Project Name: NTW - 1705 YORK ROAD
Project No.: 96049 Z
PDM No.: VIII-675
District: 8C3
Engineer: TRI-TECK ENGINEERING, INC.
Phone No.: (703) 481-5900



Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by **WEDNESDAY, APRIL 24, 1996**. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Please initial here if your agency requests PDM, Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION

_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

LTDEXEMP.DOT

NTW
1705 York Road
96-049-Z

Limited Exemption Plan Review
Plan Date: 3/25/96
Zoning Case #96-193-SPHXA

Comments Due: 4/24/96
Comments Date: 4/5/96
Comments Typed: 4/5/96

This site was approved in the above referenced zoning case and though this plan basically agrees with the approved site plan, some changes have been made. The plans must be in agreement and the following comments address this issue.

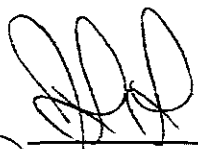
Include the order, amended order, and all zoning restrictions from case #96-193-SPHXA on the plan.

Clarify how the parking locations as approved by the commissioner on petitioner's exhibits differ on this plan, yet the number of total parking spaces provided (52) remains unchanged.

Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the Baltimore County Zoning Regulations (BCZR), Section 413.2 and .5 and all zoning sign policies or a zoning variance is required.

Resubmit copies of plans revised per these comments with a copy of same for further zoning compliance review.

Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the blue commercial checklist information being included on the building permit site plans.



JOHN L. LEWIS
Planner II

Handwritten note: 4/5/96

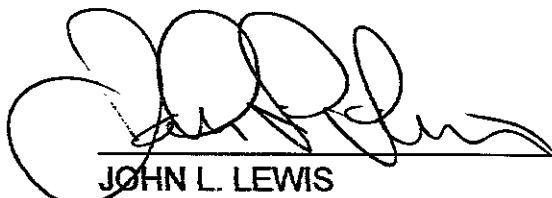
NTW
1705 York Road
96-049-Z

2nd Review Limited Exemption Plan Dated 6/14/96

Comments Date: 6/21/96

Comments Due: 6/28/96

1. The building and some parking/maneuvering areas have been changed from the approved site plan in case #96-193-SPHXA. The development plan cannot be approved until 2 red-lined zoning case site plans (Petitioner's Exhibit 1), showing and listing all changes, is provided to the director of PDM for a determination that the changes can be approved as being within the spirit and intent of the zoning case and order. A \$40.00 fee is charged for this review. Document the director's response on the revised limited exemption development plan.
2. Include the PDM limited exemption number on the plan and state the date of this DRC action with the type of exemption given (b.9?).
3. Remove the dumpster from the residentially zoned area. This conflicts with the approved plan and zoning case restrictions #3, 6, and 12, as well as Section 409.8.B.2.C. (BCZR).
4. Add the amended zoning case order and restriction to sheet 2 of these plans.
5. Submit revised plans and a copy of these comments for zoning review once the spirit and intent determination has been made.



JOHN L. LEWIS
Planner II, Zoning Review

JLL:scj

c: Zoning Case #96-193-SPHXA

Call me to Text Ben OK
7/9/96

MSG-

~~Let Ben know from Rob Harrison.~~

~~COMPSTER IN REGISTERED AREA +
RELOCATION OF REG.~~

WHILE FOR STAFF PLANS R. H.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION	*	
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
1705 York Road, NE/S York Road, 300' NW	*	
of c/l Haddington Road, 8th	*	OF BALTIMORE COUNTY
Election District, 3rd Councilmanic	*	
	*	CASE NO. 96-193-SPHXA
1705 York Road, LLC	*	
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

1995 DEC 12

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:

VENABLE
ATTORNEYS AT LAW

October 31, 1995

Hand Delivery

Mr. Carl Richards
Department of Permits
and Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Property Owner: 1705 York Road, LLC
Petitioner: National Tire Warehouse
Location: 1705 York Road
Petition for Special Exception and Variance

*and Special Hearing
for*

Dear Mr. ~~Richards~~: *Carl* :

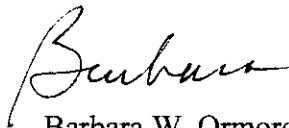
I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. The petitioner proposes to use the site as a service garage. John Lewis has met with the engineer numerous times and is very familiar with ~~this project~~ and the requested zoning relief. Also, there are no outstanding zoning violations on site. Enclosed are the following documents:

1. Petition for Special Exception (3)
2. Petition for Variance (3)
3. Zoning description (3)
4. 200' scale zoning map (1)
5. Site Plans (12)
6. Check in the amount of \$620.00

Mr. Carl Richards
October 31, 1995
Page 2

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara", with a long horizontal flourish extending to the right.

Barbara W. Ormord
Legal Assistant

bw

cc: Robert A. Hoffman, Esquire

TO1DOCS1/BAW01/0005612 01

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

February 13, 1996

VIA HAND DELIVERY

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, Suite 113
400 Washington Avenue
Towson, Maryland 21204

TML 4/15/96

Re: Petition for Special Exception and Variance
Case No.: 96-193SPHXA

Dear Mr. Kotroco:

After much discussion with John Austin of the York Manor Community Association, I am pleased to enclose a copy of a site plan that modifies Petitioners' Exhibit No. 1.¹ Specifically, the proposed NTW facility is relocated farther to the north which gives additional room for the double row of planting on the south. Also, additional parking is provided on the south and the east and the dumpster has been necessarily relocated to the northeast corner of the site.

As mentioned at the hearing, the relocation of the building to the north would necessitate, in our opinion, an additional row of parking to the rear (east) of the site. At John's community board meeting, there was a great deal of concern over these parking spaces and a fear that these spaces may be utilized for some other purpose in the future. Accordingly, NTW has removed three of the additional parking spaces and would agree to a restriction in your Order that the remaining easternmost parking spaces can only be utilized for the NTW facility and no other purpose.

This revised site plan and the proposal for this additional restriction in your Order is over and above those restrictions agreed to at the hearing some months ago.

¹ The site plan enclosed will be replaced shortly with a Plan that includes all the detail required for a zoning plat.

Timothy M. Kotroco
February 13, 1996
Page 2

Thank you for your patience and consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Rob Hoffman", with a long horizontal flourish extending to the right.

Robert A. Hoffman

RAH/pmp
Enclosure

cc: John A. Austin, Esquire
Mr. Theodore D. Britt
Mr. David Lawrence

TO1DOCS1/RAH01/0019477.01

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

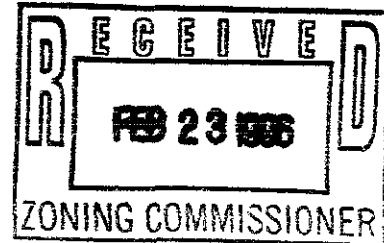
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

*Becker
File
1
100*

Robert A. Hoffman
(410) 494-6262

February 26, 1996



VIA HAND DELIVERY

Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

TMK 4/15/96

Re: Case No.: 96-193SPHXA
National Tire Warehouse - Petitioner

Dear Mr. Kotroco:

I received John Austin's letter of February 20, 1996 and have discussed the substance of the letter with my client. NTW feels strongly that moving the building to the north (as requested) does not provide the best parking layout and thus the desire for the 6 additional spaces.

As further protection for the community, my client is willing to designate these 6 spaces as employee parking only, further limiting the amount of movement in and out of these spaces.

The cooperation of the York Manor residents and Association has been greatly appreciated throughout this process, and no matter what your decision on this last remaining issue, my client looks forward to a long and cordial relationship with them.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert A. Hoffman".

Robert A. Hoffman

RAH:pvb

cc: John A. Austin, Esquire
TO:DOCS1/RAH01/0020220.01

4-5-96 11:11 AM

VENABLE, BAETJER AND HOWARD, LLP
including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

File

Robert A. Hoffman
(410) 494-6262

March 27, 1996

VIA HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Deputy Zoning Commissioner Case No. 96-193-SPHXA
National Tire Warehouse, Petitioner

Dear Tim:

Enclosed is a copy of a revised site plan which complies with your Order and amended Order in the referenced case. You should note that several things have been modified on the plan. First, the "additional" parking area to the rear of the site has been removed. Second, the double row of Leland Cypress is shown along the southern property line. (Please note that the plan does not show the extent of landscaping that will be required on the rest of the site to comply with the Baltimore County Landscape Manual.) Third, the Office of Planning's approval of the dumpster location is shown enlarged at the top center of the site plan. Fourth, a slight adjustment to the entrance/drive has resulted in one additional parking space in the BL zone.

I ask that you please initial the plan and include it as part of the permanent case file. Thank you for your consideration.

Yours truly,



Robert A. Hoffman

RAH:pvb

cc: John Austin, Esquire (w/enclosure)
TO:DOCS1/RAH01/0022112.01

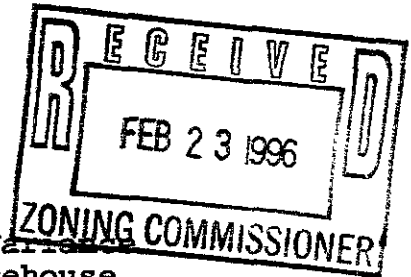
JOHN A. AUSTIN
ATTORNEY AND COUNSELOR AT LAW

THE LEGG MASON CENTER
600 WASHINGTON AVE., SUITE 203
TOWSON, MARYLAND 21204

(410) 821-9632
FAX (410) 494-8067

February 20, 1996

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204



Re: Petition for Special Exception and Variance
Case No.: 96-193SPHXA - National Tire Warehouse

Dear Mr. Kotroco:

I am writing to you on behalf of the York Manor Improvement Association regarding the above-referenced application that is submitted on behalf of National Tire Warehouse by and through their counsel, Robert A. Hoffman, Esquire. Specifically, I am responding to the letter of February 13, 1996 to you from Mr. Hoffman and the site plan that accompanied that letter.

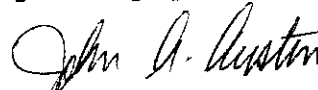
It is correct that following the last hearing before you concerning this issue that Mr. Hoffman's clients have made several significant changes at the request of the Association and these changes are incorporated in the new site plan. The Association, however, continues to have a concern over the necessity for having the last row of parking spaces that has been indicated on this new plan. This row of parking spaces was not indicated on the plan that was submitted at the time of the original hearing, but is a development that has been included since that time. In his letter and on the site plan itself, Mr. Hoffman indicates that NTW would be willing to reduce the number of spaces along the back row from 9 to 6, including a space for the dumpster. By my count, this would give NTW a total of 57 parking spaces, including the nine parking spaces in the interior of the building as indicated on the original plan. That original plan showed that 38 spaces were required for this site and that plan, which did not include the final row of parking spaces, had a total of 52 parking spaces. The present plan now calls for a total of 57 parking spaces, including the 9 interior spaces. Even without the final row of 6 additional parking spaces, the site would still have 51 available parking spaces, only 1 less than they originally requested.

The Association, and the York Manor residents who live most immediately adjacent to the property, would request that this additional row of 6 parking spaces not be approved. Both the Association and the adjoining neighbors are concerned about the expansion of commercial development in to what were formerly quiet

Page Two
Timothy M. Kotroco, Deputy Zoning Commissioner
February 20, 1996

residential areas. The York Road corridor is an area of intense commercial development that, at present, is confined to a narrowly restricted area along York Road, which, on this property, is represented by the current BL zoning line. The Association and the adjoining neighbors are concerned that any expansion into areas currently zoned residential be of a limited nature. Because this last row of parking spaces represents an unnecessary extension of the parking area that is not needed for the business itself, we would ask that the plan be approved only if this last row is eliminated. While we are appreciative of NTW's willingness to restrict the use of those parking spaces only for their facility, a much more definitive resolution of the issue is simply to eliminate the spaces. Given the proposed use of the site, which would be limited to tire sales and installation, and "ride related repairs", it is difficult to imagine that normal day in and day out flow of customers to and from this property would exceed 51 parking spaces. For this reason, as well as the others presented previously, we would ask that the plan be approved without the eastern most row of parking spaces.

Very truly yours,



John/A. Austin

JAA/afg

cc: Robert A. Hoffman, Esquire

4/26/96

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

JOHN AUSTIN-
YORK MANOR IMPROVEMENT ASSN

1504 BEDWORTH ROAD, LUTHERVILLE
" " " " 21093



WAGNER

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

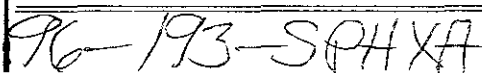
Rob Hoffman
Dave Lawrence

210 Allegany Ave 21204
935 Eldridge Rd Suite 350
Sugar Land TX 77478

Bill Shank
Ted Butt

222 Bosley Ave 21204
690 Center St
Herndon Va 22070



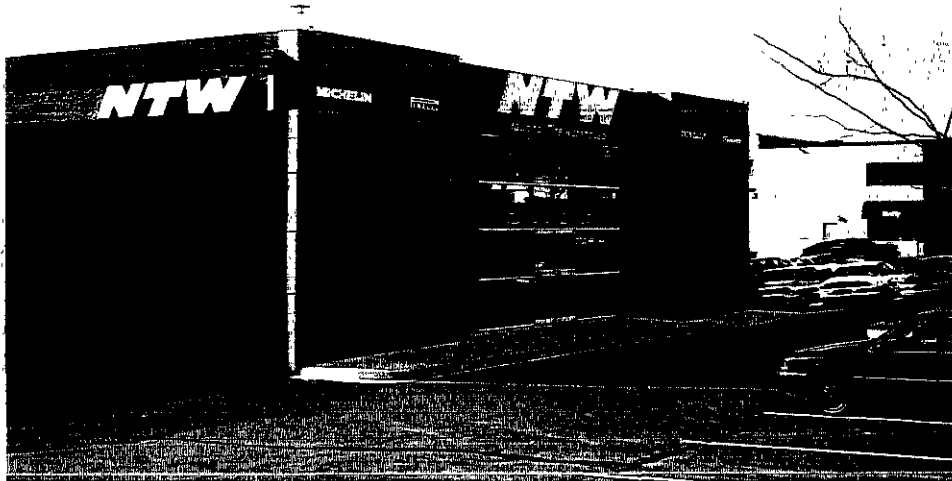


COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

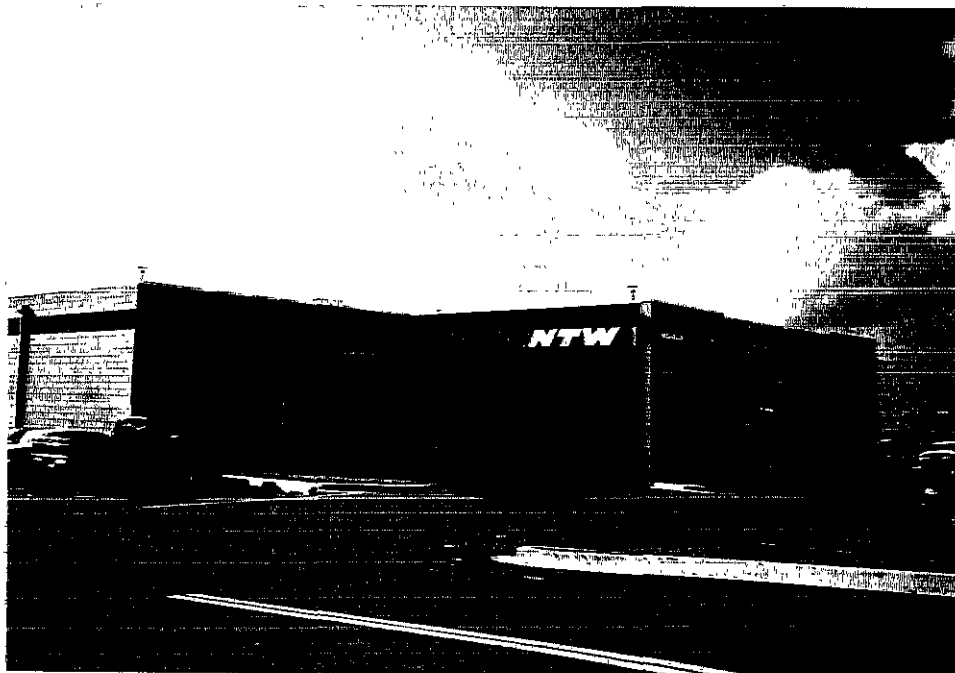
WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES

Pet Ex #



NTW PROTOTYPE BUILDING AND SIGNAGE



COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES



VIEW LOOKING EAST FROM YORK ROAD TOWARDS LANE

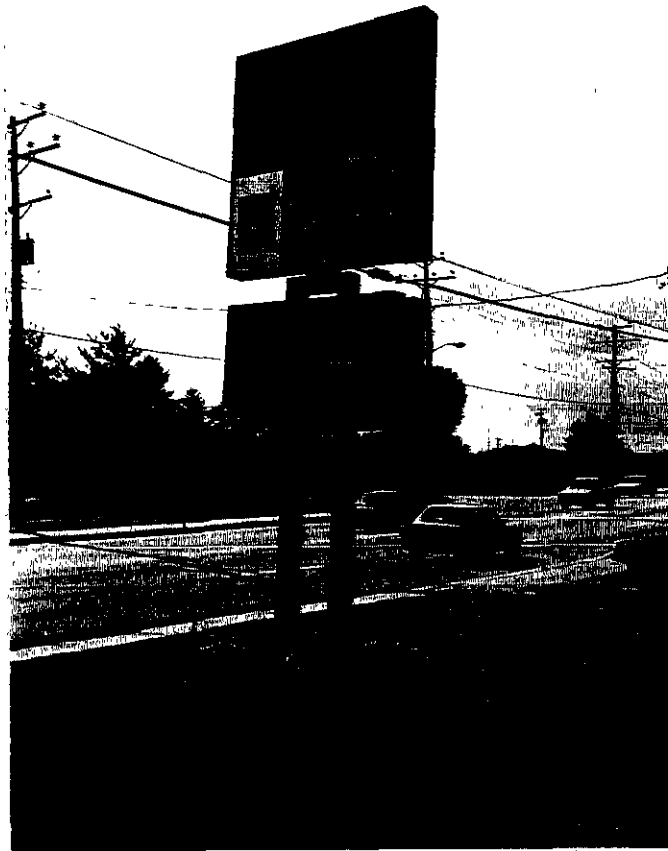


MICROFILMED

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

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EXISTING FREE STANDING SIGN

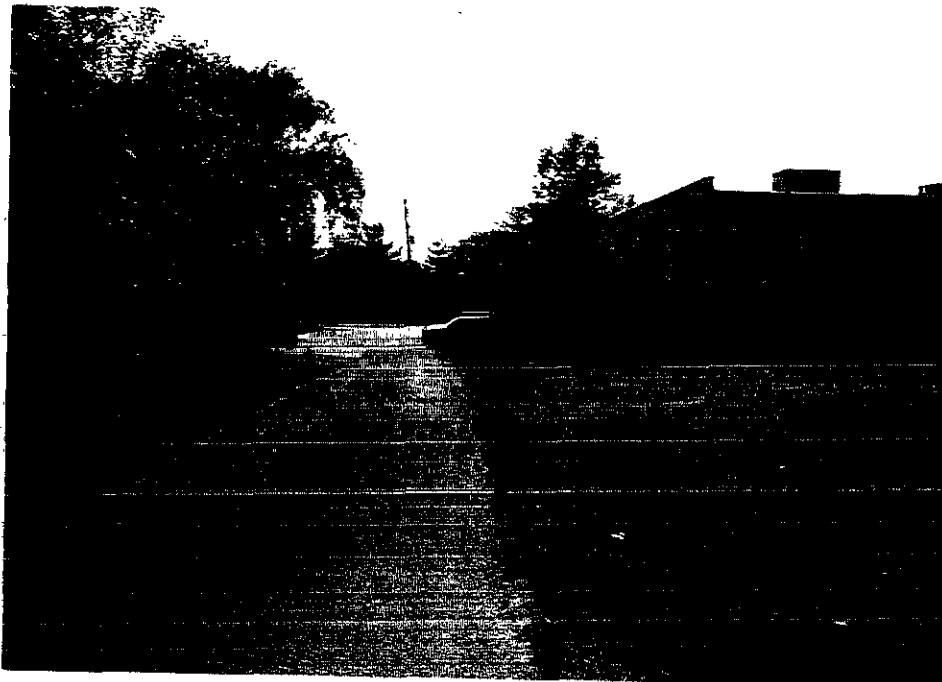
COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES



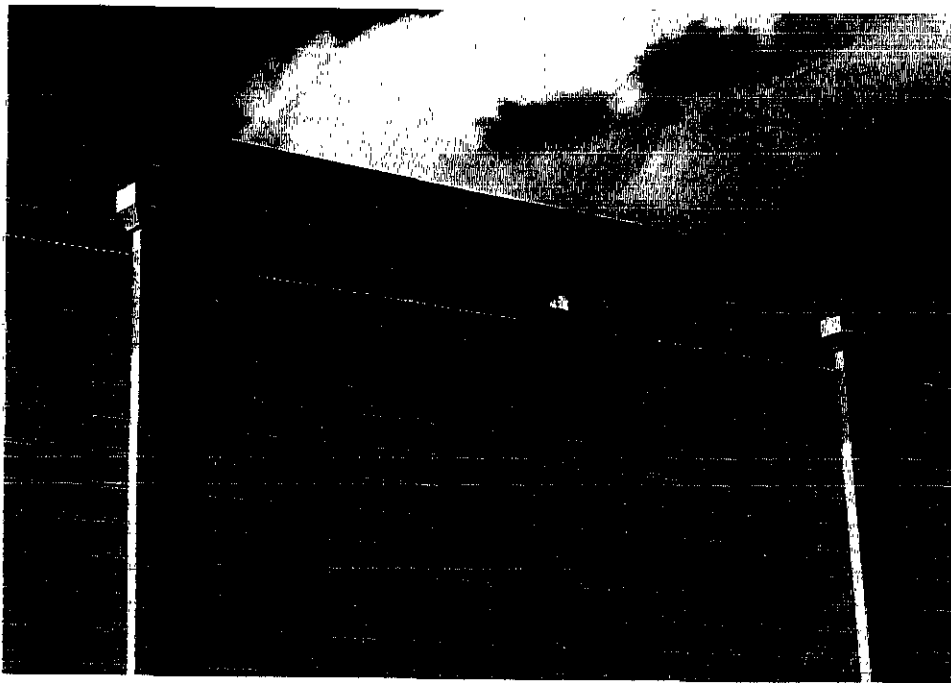
VIEW LOOKING WEST FROM LANE TOWARDS YORK ROAD



WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES



NTW SIDE & REAR BUILDING DETAILING

4/10/2015

COURTNEY L. MONK, INC.
217 DODGE AVENUE
BETHESDA, MD 20814
410-494-9997
FAX 410-494-9998

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN



ADJACENT LAND USE: EAST



VIEW FROM REAR TOWARDS RESIDENCE



UNRECORDED

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

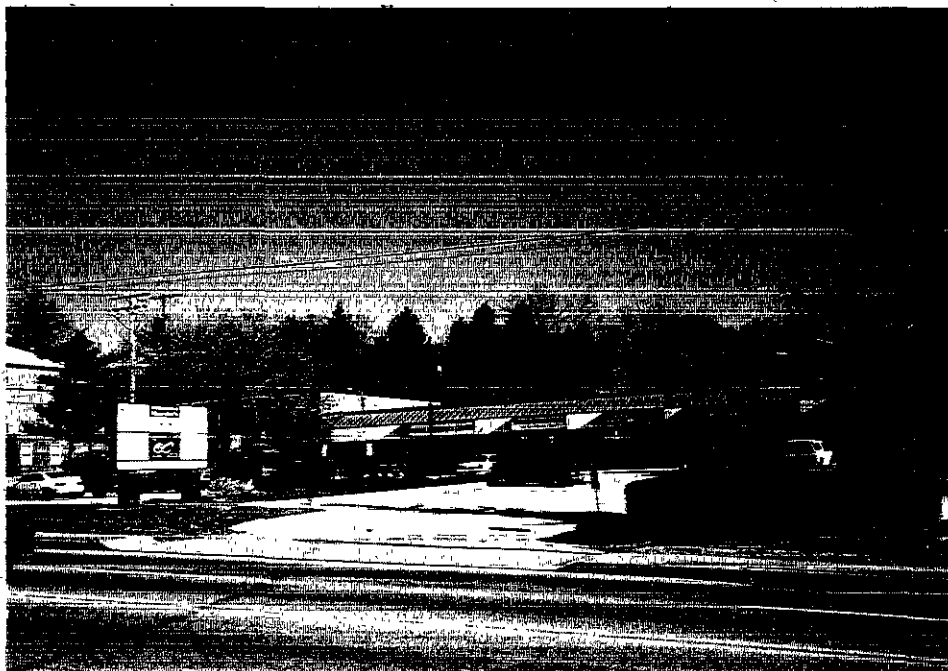
LAND USE PLANNING • LANDSCAPE DESIGN

ADJACENT LAND USE

SOUTH



NORTH



COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES

YORK ROAD



VIEW LOOKING SOUTH



VIEW LOOKING NORTH

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

1705 YORK ROAD



FRONT

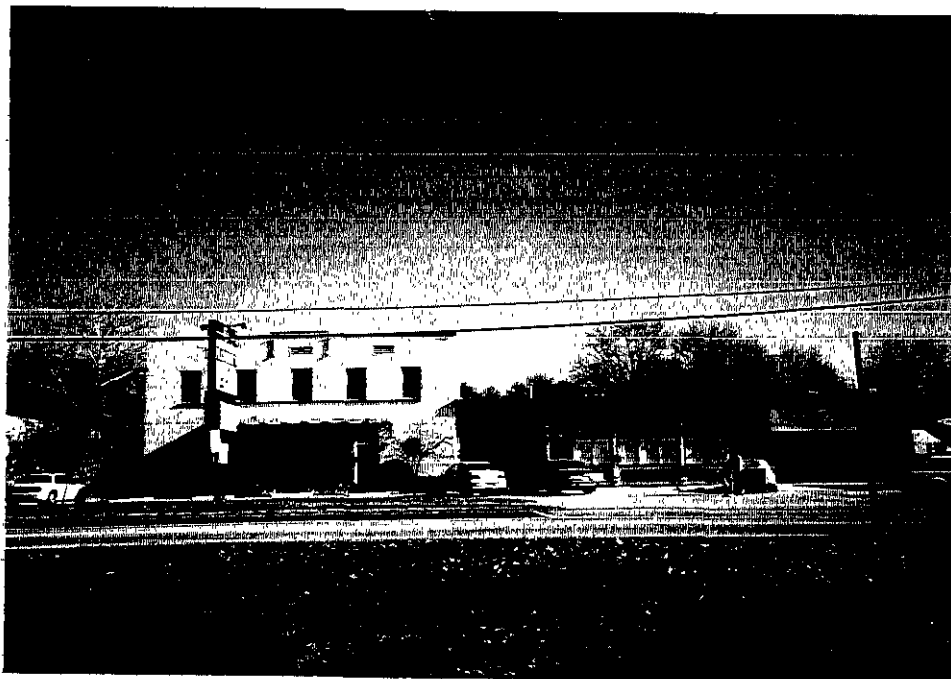


REAR

WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE B-7
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

LAND USE PLANNING • LANDSCAPE DESIGN



1705 YORK ROAD

MICROFILMED







IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
NE/S York Road at Howard Avenue (1705 York Road)
9th Election District
3rd Councilmanic District
1705 York Road, LLC
Petitioners

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variances for a service garage on the subject property in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1.

WHEREAS, the relief was granted, subject to certain conditions and restrictions, by Order issued February 26, 1996.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office of a discrepancy in Restriction No. 4 concerning the hours that lighting on the subject property can be provided, and requested a modification thereof.

After due consideration of their request for modification, it appears that Restriction No. 4 should be modified and I shall so Order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Order issued February 26, 1996 should be AMENDED to modify Restriction No. 4 as follows:

"4) All lighting for the subject site shall be as shown on Petitioner's Exhibit 3. The light standards shall contain the shoe-box type of lighting shades. After 9:00 PM until sunrise, NTW shall only utilize security lighting to illuminate the property as is appropriate for security purposes."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued February 26, 1996 shall remain in full force and effect.

TMR:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

Mr. Lawrence Thayer, Managing Member, 1705 York Road, LLC
1705 York Road, Lutherville, Md. 21093

Mr. David Lawrence, Manager, National Tire Warehouse
2359 Research Drive, Woodbridge, Virginia 22192-4607

Mr. William P. Monk, 222 Bosley Avenue, Towson, Md. 21204

John Austin, Esquire, 1504 Bedworth Road, Lutherville, Md. 21093

People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
NE/S York Road at Howard Avenue (1705 York Road)
9th Election District
3rd Councilmanic District
1705 York Road, LLC
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance for that property known as 1705 York Road, located in the vicinity of Howard Avenue in Lutherville. The Petitions were filed by the owner of the property, 1705 York Road, LLC, by Lawrence Thayer, Managing Member, and the Contract Purchaser/Lessee, National Tire Warehouse, by David Lawrence, Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek approval of a use permit for parking in a residential zone and a special exception for a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief as follows: From Sections 232.1 and 303.2 to permit a front yard setback of 56 feet in lieu of the required 75 feet, and from Section 1B01.1B.1.c.2, e.3 and e.5 to permit Residential Transition Area (RTA) setbacks of 0 feet on the north side and 17 feet on the south side, in lieu of the required 75 feet and 50 feet, respectively. The subject property and relief requested are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David Lawrence, a representative of National Tire Warehouse, Contract Purchaser/Lessee, William P. Monk, Landscape Planning and Zoning Consultant, Ted

Britt, and Robert A. Hoffman, Esquire, attorney for the Petitioners. John Austin, Esquire, appeared and testified on behalf of the York Manor Improvement Association, a Protestant in the matter.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.53 acres, more or less, split zoned B.L. and D.R. 5.5, and is improved with greenhouses and accessory buildings previously used in the operation of a florist shop. The split zoning of the property is significant in that the front portion of the site along York Road is zoned B.L., with the rear of the site zoned D.R. 5.5. The Petitioners propose to utilize the subject property as a retail tire sales and service garage for the national retail tire chain known as National Tire Warehouse. Proposed improvements to the site include removing the existing structures and constructing a one-story building to house the proposed use. The Petitioners submitted into evidence as Petitioner's Exhibits 1 and 2, site plans of the property showing the proposed improvements and a prototype of the National Tire Warehouse (NTW) building. NTW has opened several other retail tire stores/service garages in and around Baltimore County and intend to utilize a similar prototype building at the subject location. Due to the rectangular shape of the lot and its split zoning, the proposed building will utilize most of the area towards the front of the site zoned B.L., and parking will be to the rear of the property, which is zoned D.R. 5.5. Thus, the relief requested is necessary in order to proceed as proposed.

At the preliminary stage of the public hearing, Mr. Hoffman and Mr. Austin, on behalf of the York Manor Improvement Association, stated that both parties had reached an agreement concerning the proposed development of the subject site by NTW, except for the relocation of the parking

spaces originally proposed to front Howard Avenue and a dumpster pad to the rear of the site. The terms of the agreement that were reached between NTW and the surrounding neighborhood shall be contained within the conditions and restrictions imposed at the end of this Order.

At the close of the hearing on December 12, 1995, Mr. Hoffman, on behalf of NTW, and Mr. Austin on behalf of his clients, agreed to continue negotiations to resolve all outstanding issues regarding the proposed NTW retail sales and service garage. After discussions between the parties, Mr. Hoffman submitted to me, by letter dated February 13, 1996, a revised site plan, marked as Petitioner's Exhibit 3, depicting the final agreement between the parties, except for the placement of 6 of the 12 parking spaces and dumpster pad. NTW agreed to eliminate the 12 parking spaces which were originally proposed to front Howard Avenue, and proposed to relocate 6 of those spaces and the dumpster pad to the rear of the site in the D.R. 5.5 zone. This would allow the proposed building to be shifted further away from the residential properties abutting this site on the south side. Furthermore, inasmuch as the number of parking spaces to be provided by NTW far exceeded that required, NTW agreed that only 6 of the 12 parking spaces proposed to be relocated would be replaced. By letter dated February 20, 1996, Mr. Austin advised this office that he agreed with the terms expressed in Mr. Hoffman's letter of February 13, 1996, except for the placement of the 6 spaces and dumpster pad to the rear of the site in the D.R. 5.5 zone. It was further requested that the 6 parking spaces not be approved, inasmuch as NTW will have ample parking at this site.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It

has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare. However, given the fact that NTW will be able to provide adequate parking for the use proposed on this site, I am persuaded to grant the request set forth in Mr. Austin's letter of February 20, 1996. Therefore, the 6 parking spaces and dumpster pad which were proposed to be relocated to the rear of this site in the D.R. 5.5 zone shall be eliminated from the plan, and the Petitioners shall submit a plan showing the proposed relocation of the dumpster to the Office of Planning and Zoning for review and approval prior to the issuance of any permits.

As to the special exception relief sought, it is clear that the B.C.Z.R. permits the use proposed in a B.L./D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

if the variance relief were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996, that the Petition for Special Hearing seeking approval of a use permit for parking in a residential zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: From Sections 232.1 and 303.2 to permit a front yard setback of 56 feet in lieu of the required 75 feet, and from Section 1B01.1B.1.c.2, e.3 and e.5 to permit Residential Transition Area (RTA) setbacks of 0 feet on the north side and 17 feet on the south side, in lieu of the required 75 feet and 50 feet, respectively, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

CITIZEN SIGN-IN SHEET

NAME _____

ADDRESS

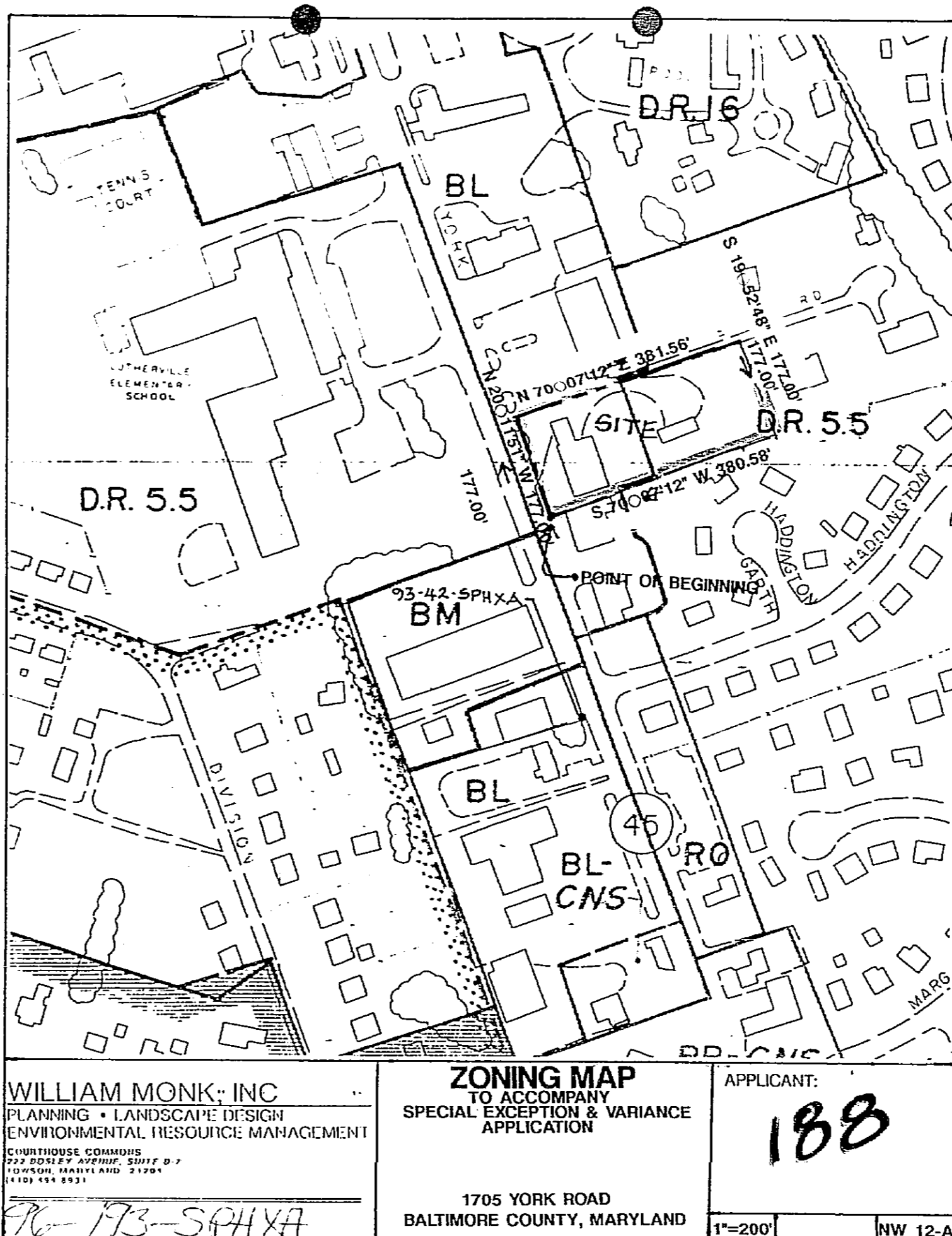
JOHN AUSTIN Mrs. DEBORAH ANN LUTHERVINE

160 MAGNIFICENT AVENUE 71093

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

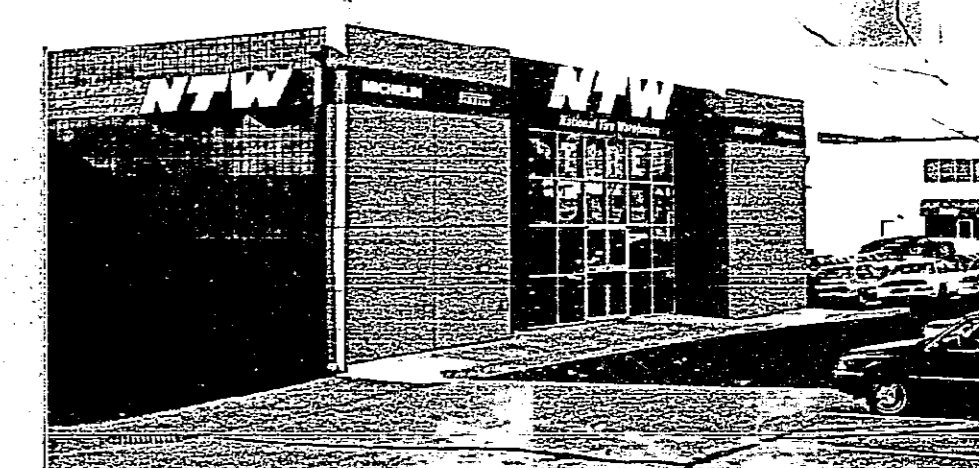
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on Recycled Paper

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

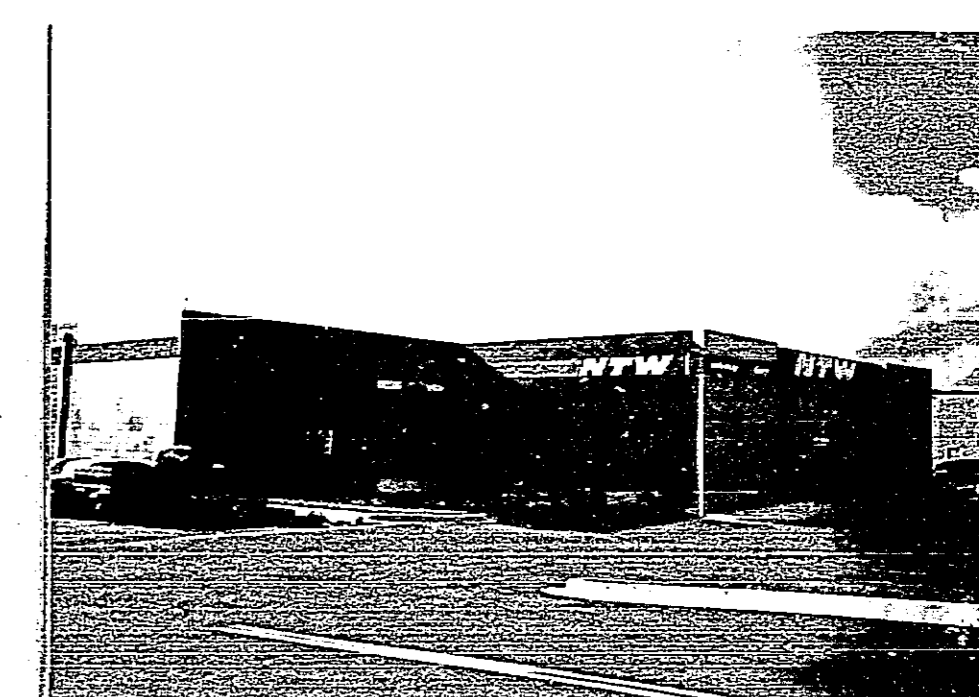
WILLIAM MONK, INC.

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES

Ref Ex #



NTW PROTOTYPE BUILDING AND SIGNAGE



WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
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SITE PLANNING DESIGN • ZONING • DEVELOPMENT SERVICES



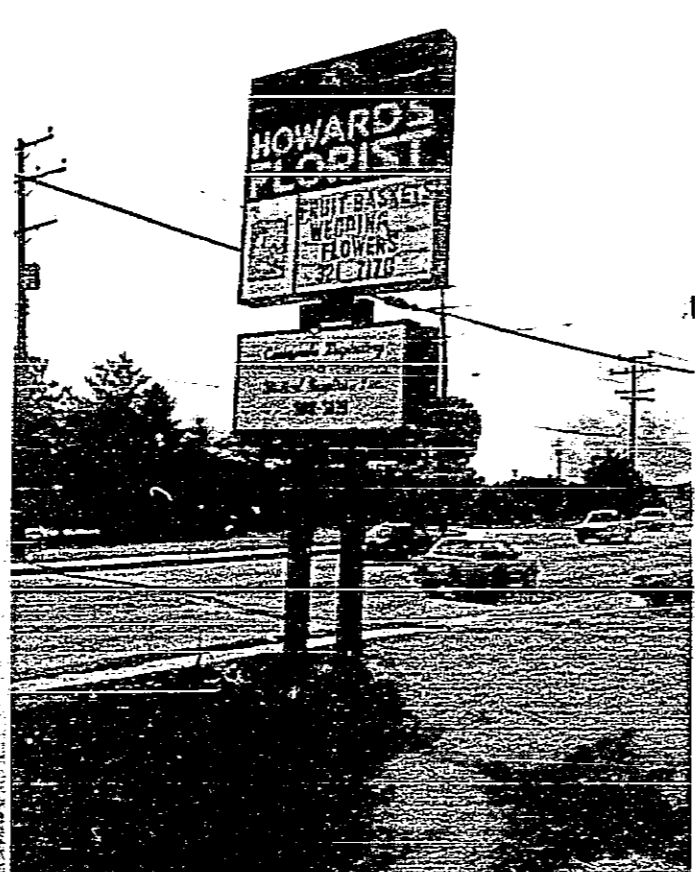
VIEW LOOKING EAST FROM YORK ROAD TOWARDS LANE



WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9803

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EXISTING FREE STANDING SIGN

WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES



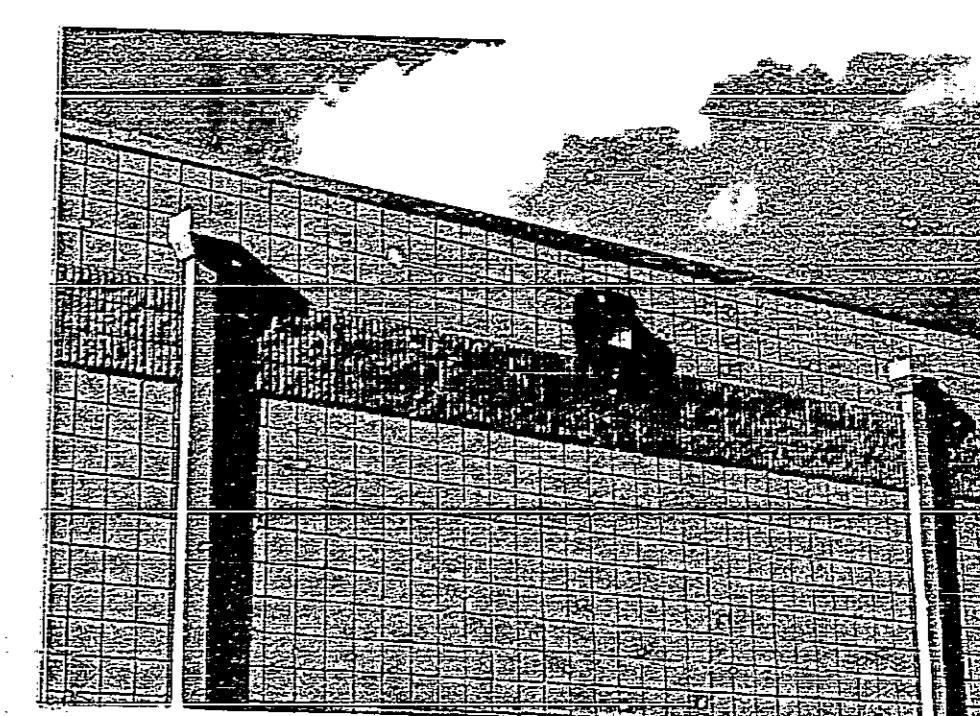
VIEW LOOKING WEST FROM LANE TOWARDS YORK ROAD



WILLIAM MONK, INC.

COURTHOUSE COMMONS
222 BOSLEY AVENUE
SUITE C-6
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

SITE PLANNING/DESIGN • ZONING • DEVELOPMENT SERVICES



NTW SIDE & REAR BUILDING DETAILING

COURTHOUSE COMMONS
222 BOSLEY AVENUE
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903

41

42

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN



ADJACENT LAND USE: EAST



VIEW FROM REAR TOWARDS RESIDENCE

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

ADJACENT LAND USE

SOUTH



NORTH



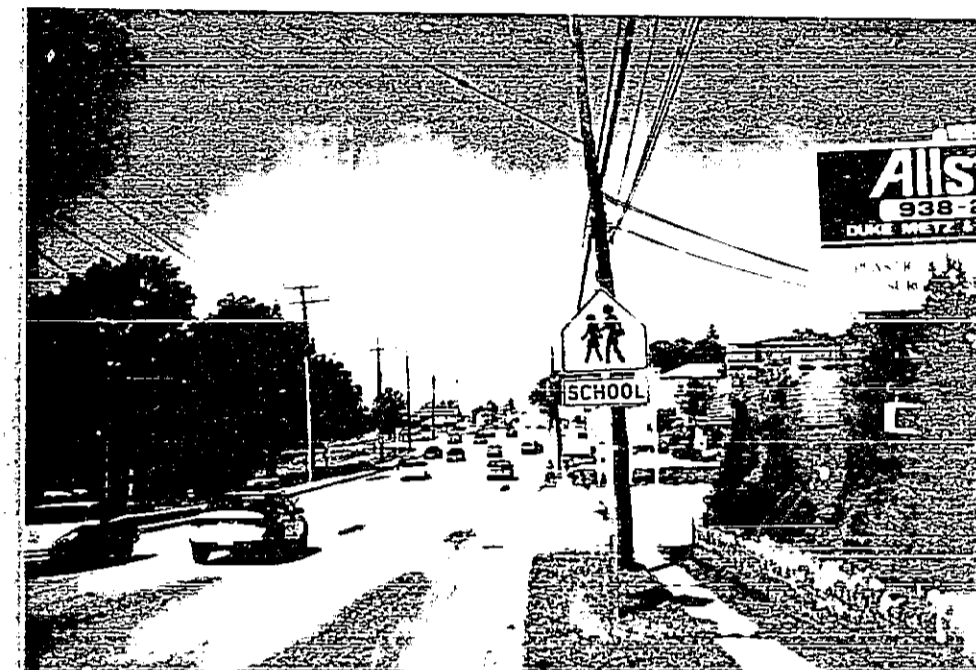
WILLIAM MONK, INC.

SITE PLANNING • DESIGN • ZONING • DEVELOPMENT SERVICES

YORK ROAD



VIEW LOOKING SOUTH



VIEW LOOKING NORTH

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

1705 YORK ROAD



FRONT

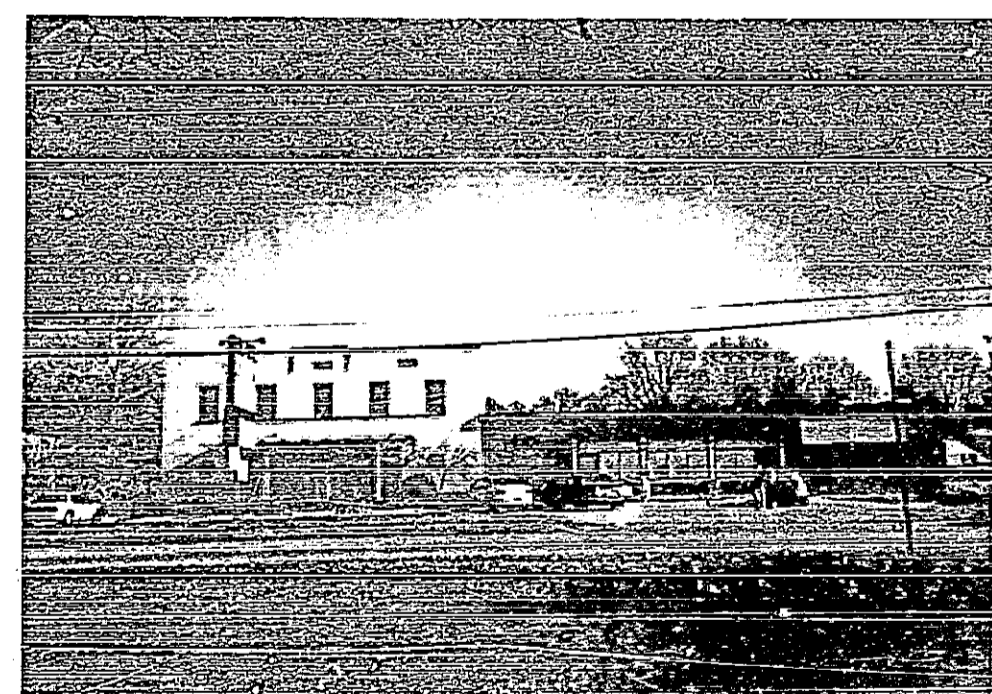


REAR

WILLIAM MONK, INC.

LAND USE PLANNING • LANDSCAPE DESIGN

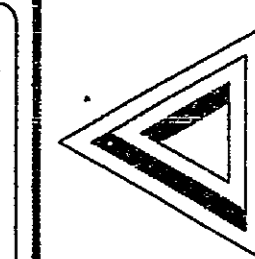
COURTHOUSE COMMONS
222 BOSLEY AVENUE
TOWSON, MD 21204
410-494-8931
FAX 410-494-9903



1705 YORK ROAD

PLANT MATERIAL DESCRIPTIONS

PLANT TYPE	SPECIES	INSTALLED SIZE	ULTIMATE SIZE	APPROXIMATE GROWTH RATE
shade trees	Green Vase Zelkova	2 1/2" caliper, 13-15' ht.	60-70' ht.	3'-4' / year
	Sugar Maple	"	50-70' ht.	1'-2' / year
evergreen trees	Leyland Cypress	6'-8' height	30-40' ht.	3' / year
	White Pine	"	80-90' ht.	2'-3' / year
evergreen shrubs	Green Lustre Japanese Holly	18-24" height	3'-4' ht.	6" / year
	Evergreen Euonymus	"	3'-4' ht.	6-12" / year



TRI-TEK ENGINEERING
CIVIL & ENVIRONMENTAL LAND PLANNING
& PROFESSIONAL CORPORATION
680 Center Street, Suite 300
Herndon, Virginia 22071-5003 (703) 461-5900

NTW INCORPORATED
BALTIMORE COUNTY, MARYLAND
8TH ELECTION DISTRICT

CONCEPTUAL GRADING PLAN

CONCEPT LANDSCAPE PLAN

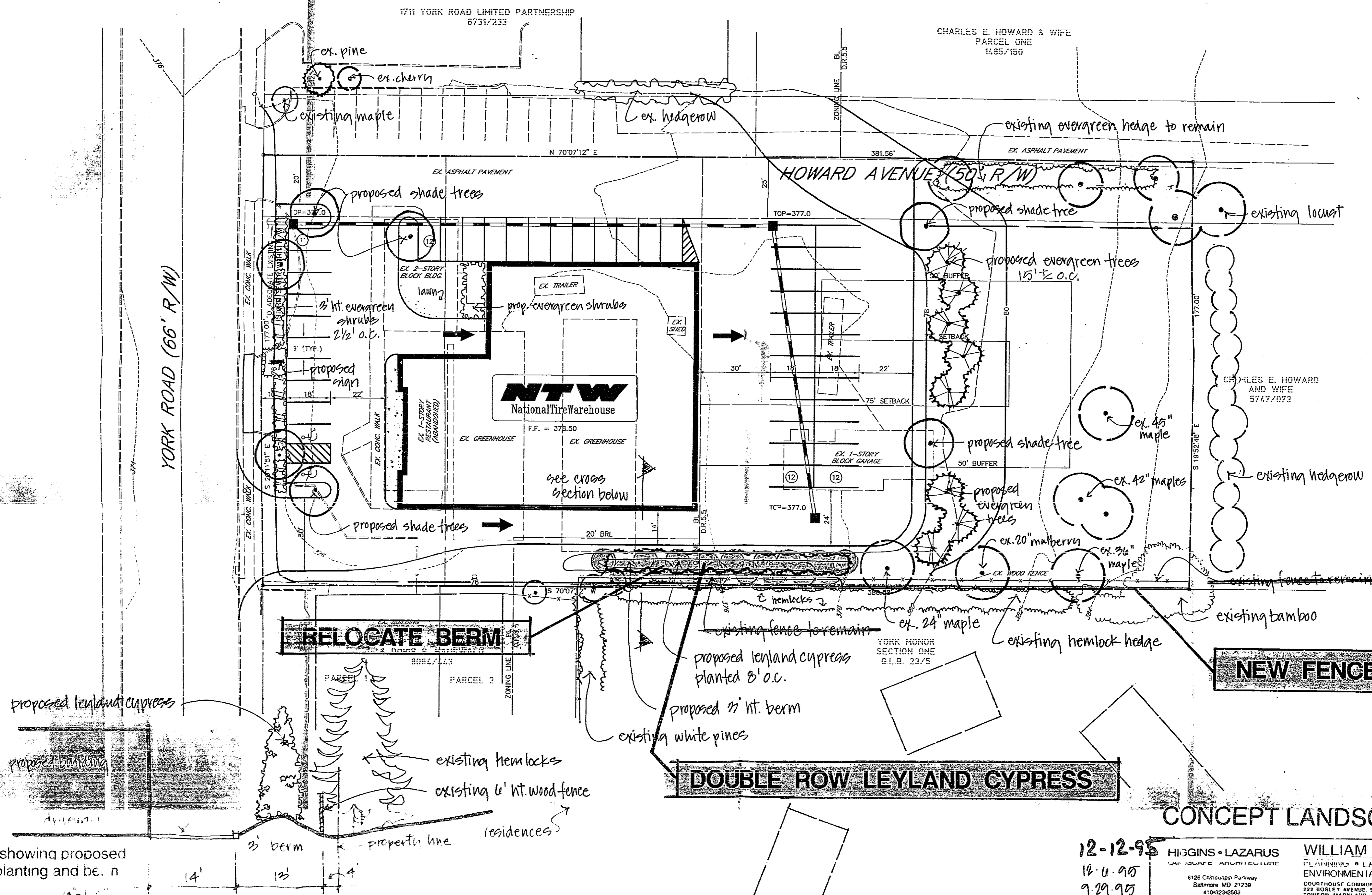
12-12-95
12-11-95
9-29-95

HIGGINS • LAZARUS
LANDSCAPE ARCHITECTURE
6126 Chynoweth Parkway
Baltimore, MD 21239
410-523-0563

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B 7
TOWSON, MARYLAND 21204
(410) 494-8931

SCALE: 1"=20'
DATE: 9/27/95
DRN: M.S.O.
CKD: T.D.B.
SHEET 1 OF 1

F-927



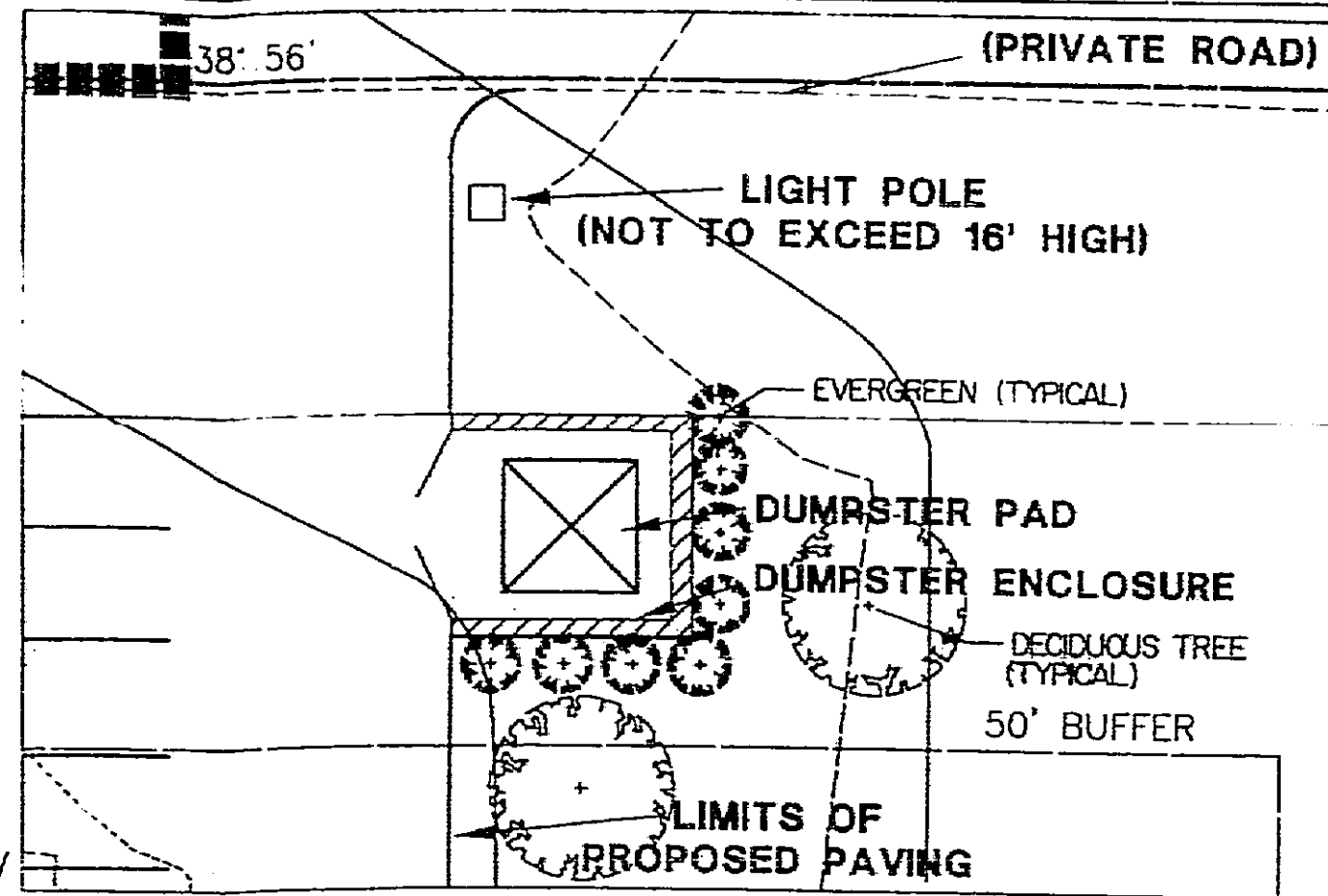
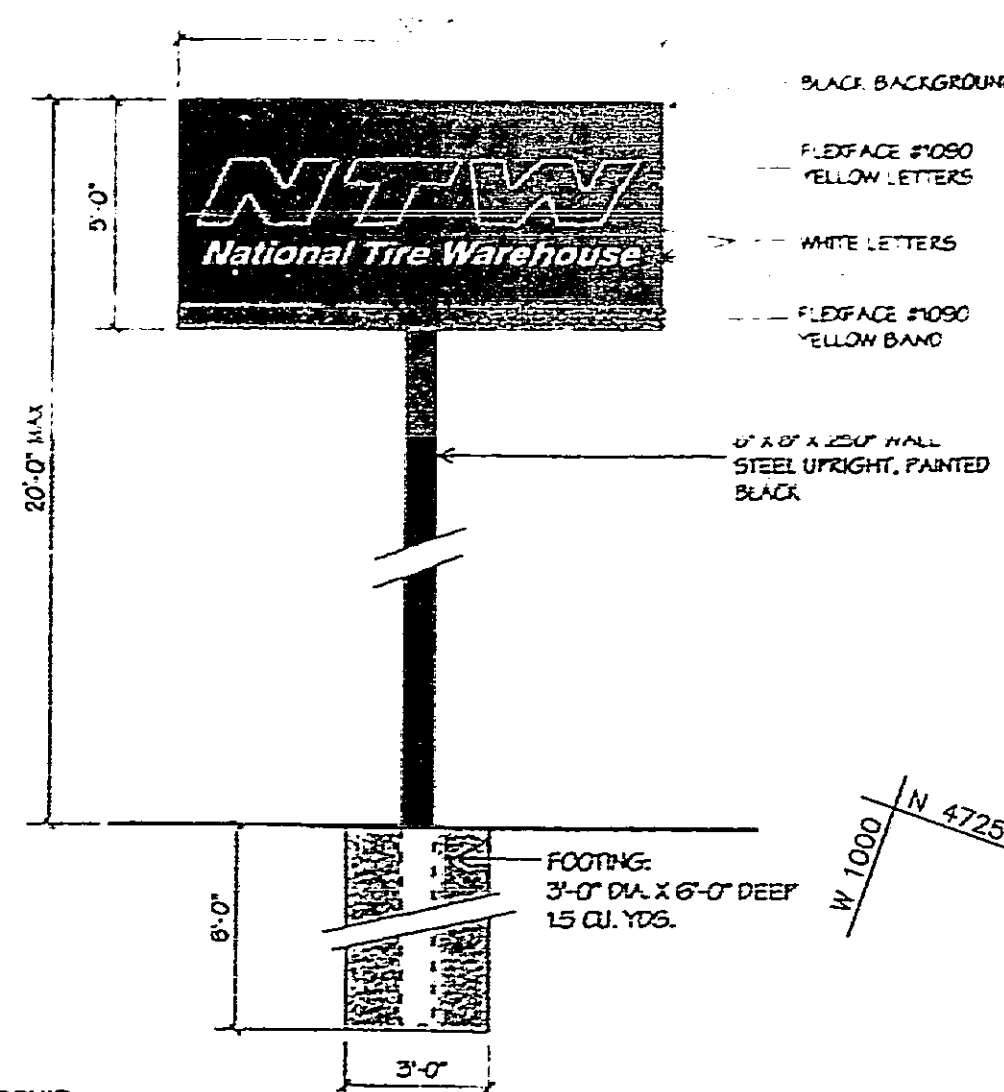
Section showing proposed screen planting and berm

SIGN

SIGN B

NTW
National Tire Warehouse

SIGN C

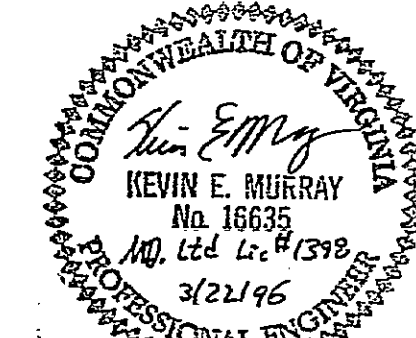


LANDSCAPE PLAN
DUMPSTER PAD AREA
1705 YORK ROAD
BALTIMORE COUNTY, MARYLAND
DATE: 2/22/96 SCALE: 1/8"=1'-0"

CHARLES E. HOWARD & WIFE
PARCEL ONE
1485/150
ZONE: D.R.S.5

VICINITY MAP

- NOTES:
- EXISTING-BL & DR 5.5 PROPOSED-NO CHANGE
 - LOT AREA: 31,869 SQ. FT. ZONED D.R. 5.5 35,658 TOTAL 67,518 (1.55 A) VARIANCE: 37,170 35,658 GROSS: 72,828 (1.67 A) ZONED D.R. 5.5 35,658 TOTAL 72,828 (1.67 A)
 - EXISTING USE: COMMERCIAL (RETAIL AND GREENHOUSE) PROPOSED USE: COMMERCIAL (SERVICE GARAGE)
 - BUILDING SETBACKS: REQUIRED: 50' PROVIDED: 50' FRONT: 75' INTERIOR SIDE: 20' REAR: 20'
 - SETBACK AVERAGING: PROPERTY: 1703 USE: COMMERCIAL RETAIL SETBACK: 22' 1705 COMMERCIAL N/A (EXISTING BUILDINGS TO BE REMOVED) 1707 COMMERCIAL AVERAGE 130' 76'
 - BUILDING AREA: 22+130+152= 252 SQ. FT. SERVICE GARAGE (9 BAYS)-11,363 SQ. FT.
 - PARKING: REQUIRED: 38 SPACES PROVIDED: 43+5 BAYS= 52 SPACES
 - UTILITIES: SEWER-PUBLIC WATER-PUBLIC
 - SPECIAL EXCEPTION: SECTION 230.13 FOR A SERVICE GARAGE IN A BL ZONE
 - A. SECTION 1801.1(B)(1)(c)(2) AND (c)(5) TO PERMIT RTA SETBACKS OF 0' ON THE NORTH SIDE OF THE PROPERTY AND 17' ON THE SOUTH SIDE IN LIEU OF THE REQUIRED 75' AND 50' SETBACKS RESPECTIVELY
 - ELECTION DISTRICT: 8
 - COUNCILMANIC DISTRICT: 3
 - CENSUS TRACT: 4086.02
 - WATERSHED: 24
 - SUBWERSHED: 57
 - DEED REFERENCE: 6302781
 - PROPERTY ACCOUNT NO.: 18-00-014-744
 - TAX MAP 60, GRID 18, PARCEL 598
 - FLOOR AREA RATIO: MAXIMUM PERMITTED: 3.0 PROPOSED: .36
 - AREA BASED UPON BL ZONED PORTION OF SITE AND 30' OF YORK ROAD RIGHT OF WAY
 - HEIGHT OF BUILDING: PERMITTED-45' PROPOSED-NOT TO EXCEED 20'
 - MASS TRANSIT ADJUSTMENT: N/A
 - OWNERSHIP: 1705 YORK ROAD, LLC LUTHERVILLE, MD 21093
 - TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS EXIST ON SITE.
 - AMENITY OPEN SPACE: N/A
 - SIGNS: ALL SIGNS TO BE IN ACCORDANCE WITH SECTION 413 BCZR
 - PREVIOUS COMMERCIAL PERMITS: 808171-7281
 - PREVIOUS ZONING HEARINGS: NONE
 - NO DAMAGED OR DISABLED VEHICLES WILL BE STORED OUTSIDE THE BUILDING.
 - ALL PARKING LOT AND BUILDING MOUNTED LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENCES
 - ALL EXTERIOR MOUNTED SECURITY ALARM SYSTEMS TO BE PLACED ON THE NORTH AND/OR WEST BUILDING WALLS
 - PARKING REQUIREMENTS WITHIN RTA: THIS PLAN SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CRITERIA AS SET FORTH IN SECTION 409.8B2(a-g) AS FOLLOWS:
 - THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.
 - ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 - NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 - LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED, NO LIGHTING FIXTURES WITHIN RTA AREA TO EXCEED 16' HIGH.
 - A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.
 - METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE, AND PERMITTED HOURS OF USE SHALL BE SPECIFIED, AND REGULATED AS REQUIRED.
 - ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.
 - PARKING LOT AREA RESERVED FOR LANDSCAPING IS 1,200 SF WHICH EQUALS 7% OF SURFACE PARKING LOT AREA.



WILLIAM MONK, INC
PLANNING • LANDSCAPE DESIGN

APPLICANT:
NATIONAL TIRE WAREHOUSE
2355 RESEARCH DRIVE
WOODBRIDGE, VIRGINIA 22192-4607

COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 494-8851

THE DEPUTY ZONING COMMISSIONER THIS IS THE
APPROVED SITE PLAN. SEE JEFF LONG'S NOTE.

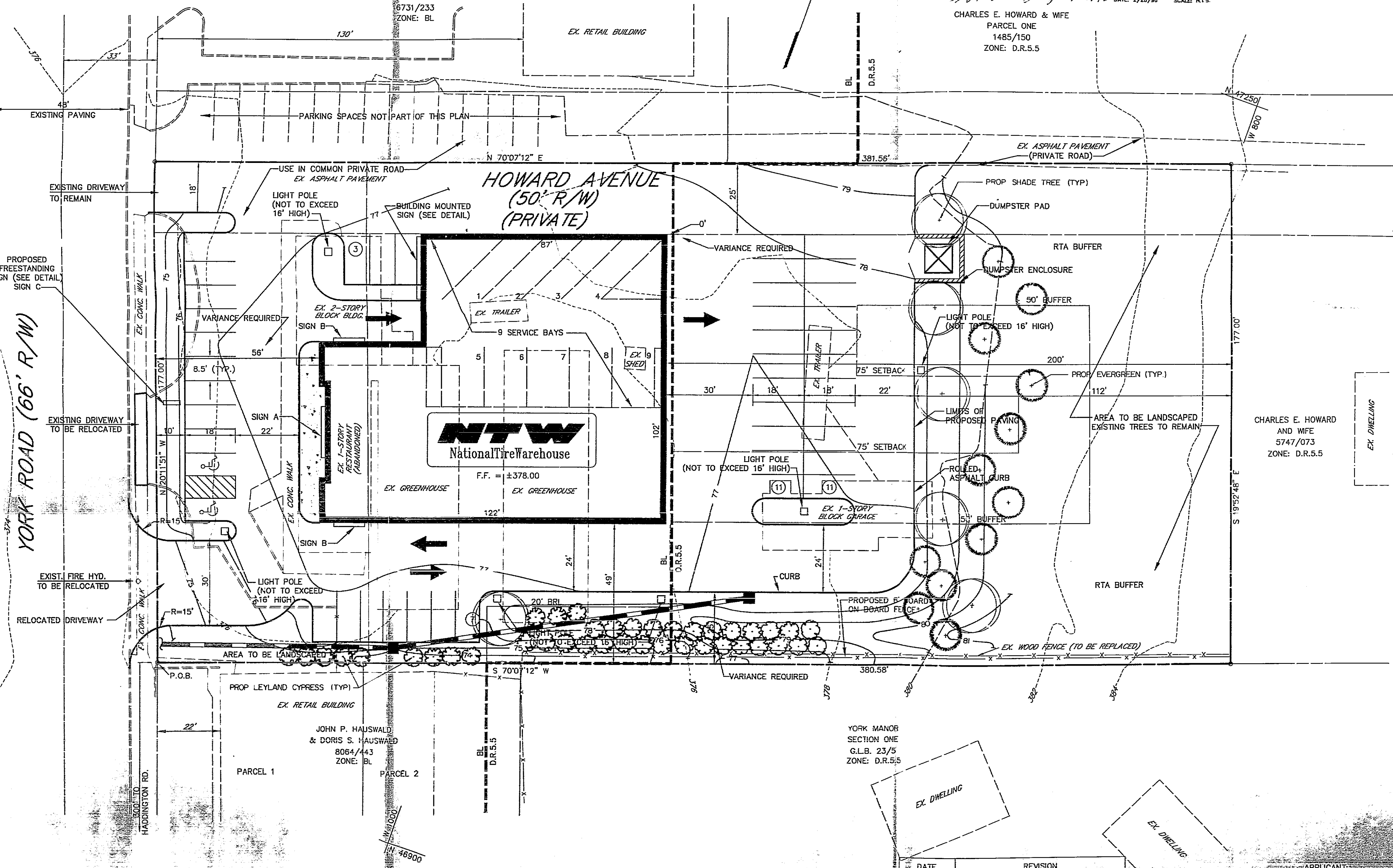
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DATE: 2/22/96
DRN: M.S.O.
CKD: T.O.B.
SHEET 1 OF 1

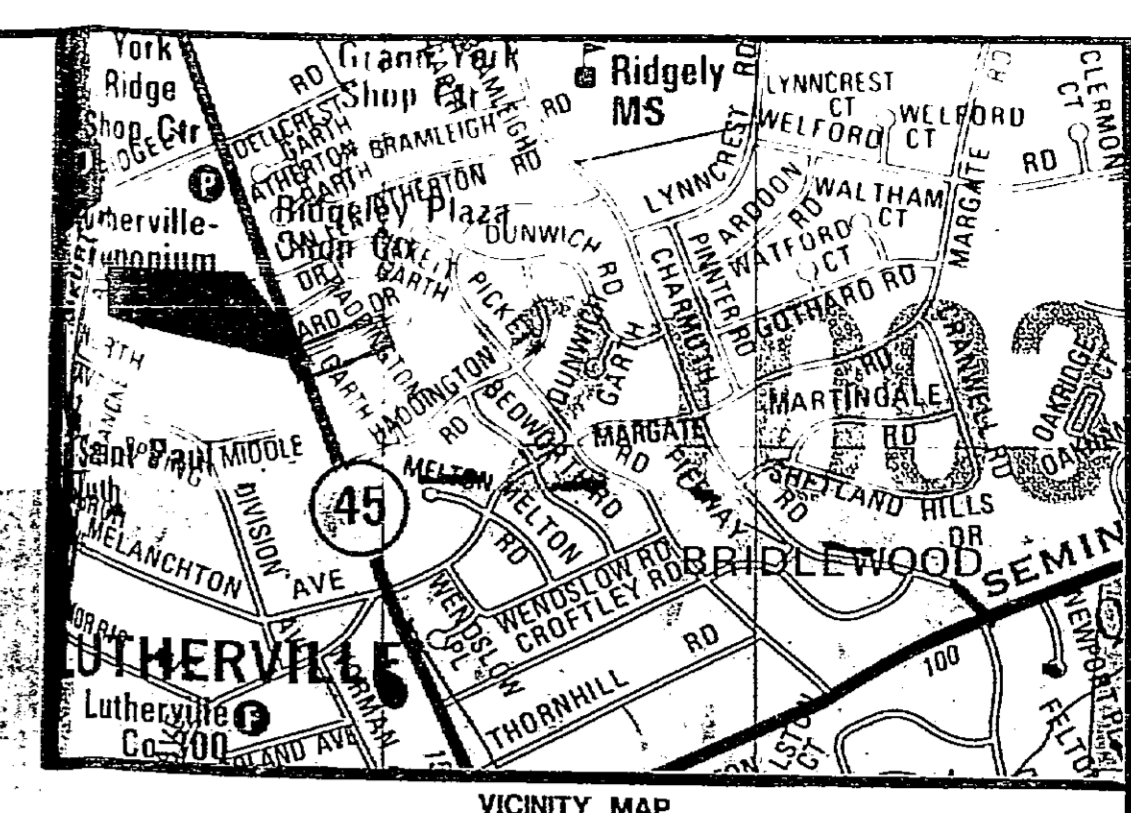
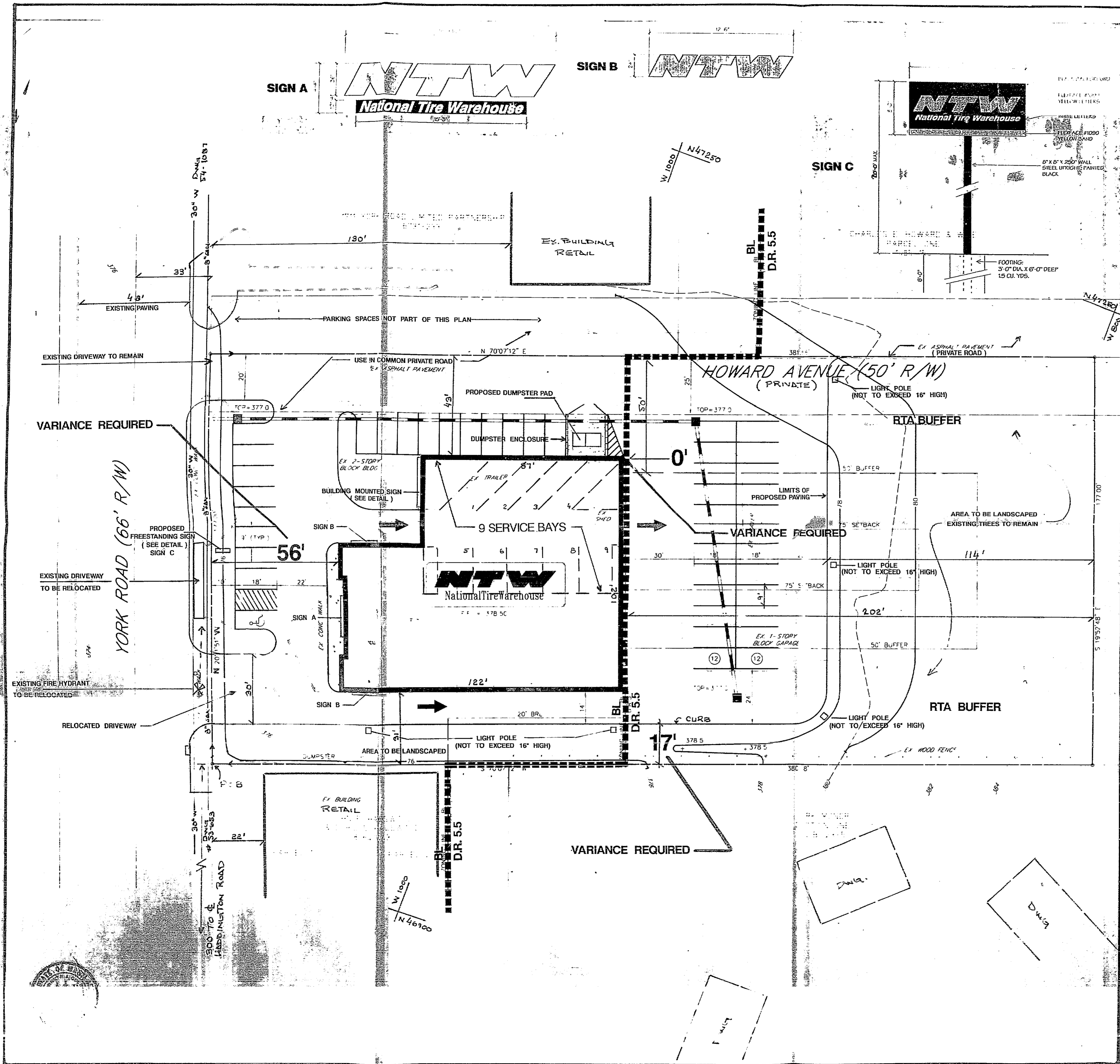
F-927

TRI-TEK ENGINEERING
CIVIL & LANDSCAPE ARCHITECTS
a professional corporation
630 Center Street, Suite 300
Henderson, Virginia 22070-5003 (703) 481-5800

1705 YORK ROAD
BALTIMORE COUNTY MARYLAND

PLAT TO ACCOMPANY
SPECIAL EXCEPTION AND
VARIANCE APPLICATION





NOTES

1. ZONING: EXISTING - BL DR 5.5 PROPOSED - NO CHANGE
2. LOT AREA: 30.00 AC. ZONED DR 5.5 31.000 AC. TOTAL 61.000 AC. (1.55 A) CH-105 ZONED BL 5.5 31.000 AC. ZONED DR 5.5 31.000 AC. TOTAL 62.000 AC. (1.67 A)
3. EXISTING USE: COMMERCIAL (RETAIL AND GREENHOUSE) PROPOSED USE: COMMERCIAL (SERVICE GARAGE)
4. SETBACKS: REQUIRED - 25 SPACES PROVIDED - 43 + 9 BAYS = 52 SPACES
5. UTILITIES: SEWER - PUBLIC WATER - PUBLIC
6. SPECIAL EXCEPTION: SECTION 22.13 FOR A SERVICE GARAGE IN A BL ZONE
7. VARIANCE: SECTION 22.1 AND 20.3 FOR A FRONT YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 75' SETBACK
8. SECTION 22.1 AND 20.3 FOR A FRONT YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 75' SETBACK
9. SECTION 22.1 AND 20.3 FOR A FRONT YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 75' SETBACK
10. SECTION 22.1 AND 20.3 FOR A FRONT YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 75' SETBACK
11. ELECTION DISTRICT: 4
12. COUNCILMANIC DISTRICT: 3
13. CENSUS TRACT: 406.01
14. WATERSHED: 24
15. SUBWATERSHED: 57
16. DEED REFERENCE: 6302781
17. PROPERTY ACCOUNT NO: 18-00-014-718
18. TAX MAP: GR. GRID 18, PARCEL 598
19. FLOOR AREA RATIO: MAXIMUM PERMITTED - 1.0 PROPOSED - 1.0
20. HEIGHT OF BUILDING: PERMITTED - 17' PROPOSED - NOT TO EXCEED 20'
21. MASS TRANSIT ADJUSTMENT: N/A
22. OWNERSHIP: 1705 YORK ROAD, LLC LUTHERVILLE, MD 21093
23. TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS EXIST ON SITE
24. AMENITY OPEN SPACE: N/A
25. SIGNS: ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 413 DCGR
26. PREVIOUS COMMERCIAL PERMITS: 0009171-12291
27. PREVIOUS ZONING HEARINGS: NONE
28. NO DAMAGED OR DISABLED VEHICLES WILL BE STORED OUTSIDE THE BUILDING
29. ALL PARKING LOT AND BUILDING MOUNTED LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENCES
30. ALL EXTERIOR MOUNTED SECURITY ALARM SYSTEMS TO BE PLACED ON THE NORTH AND/OR WEST BUILDING WALLS
31. PARKING REQUIREMENTS WITHIN RTA: THIS PLAN SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CRITERIA AS SET FORTH IN SECTION 409.012 (P-2) AS FOLLOWS:
 - a. THE LAND SO USED MUST ADD OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.
 - b. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 - c. NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 - d. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS NECESSARY, NO LIGHTING FIXTURES WITHIN A 10' AREA TO EXCEED 10' HIGHER.
 - e. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.
 - f. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS FOLLOWS:
32. ANY CONDITIONS WITH LISTED ABOVE WHICH IN THE JUDGMENT OF THE ZONING COMMISSIONER ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES

PLAT TO ACCOMPANY SPECIAL EXCEPTION
AND VARIANCE APPLICATION

1705 YORK ROAD
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN

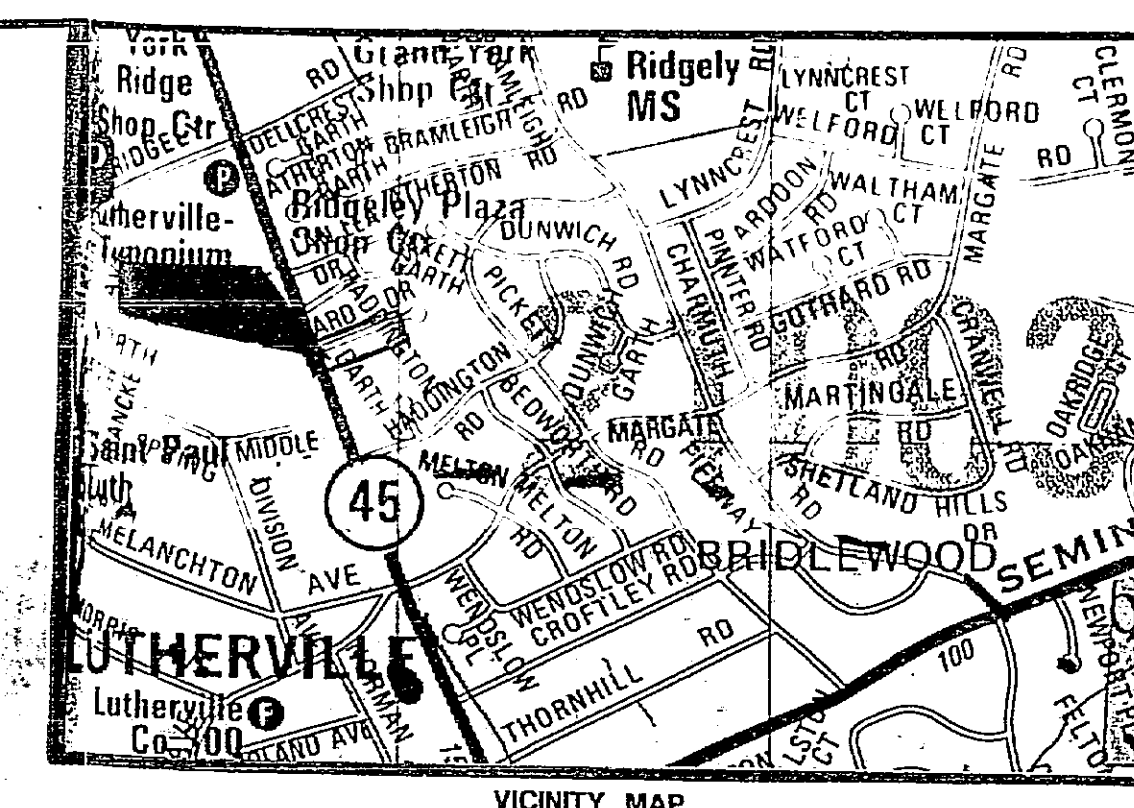
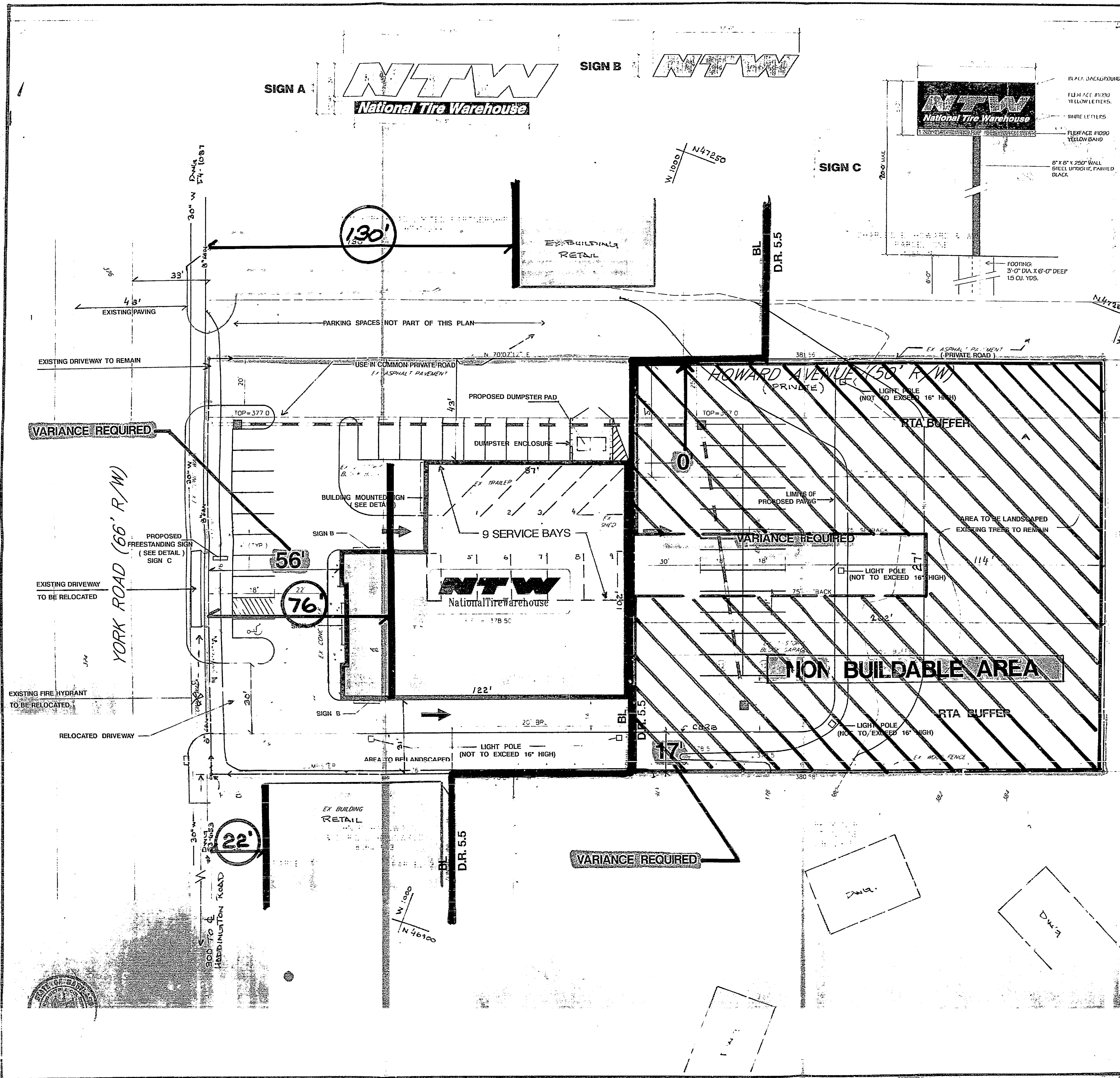
COURT HOUSE COMMONS
1705 YORK ROAD
LUTHERVILLE, MARYLAND 21093
(410) 434-8931

APPLICANT:
NATIONAL TIRE WAREHOUSE
1705 YORK ROAD
LUTHERVILLE, MARYLAND 21093
22192-4607

DATE: 10/9/95
JOB NO: 95-22
SCALE: 1" = 20'

96-193-SCHXA

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PETITIONER'S EXHIBIT 1

NOTES:

1. ZONING:	EXISTING - BLA OR S.S.	PROPOSED - NO CHANGE
2. LOT AREA:	50.00	50.00
3. ZONED D.R. 5.5:	31,860	31,860
4. TOTAL:	67,518	67,518
5. ZONED D.R. 5.5:	37,170	37,170
6. TOTAL:	72,828	72,828
7. EXISTING USE:	COMMERCIAL (RETAIL AND GREENHOUSE)	
8. PROPOSED USE:	COMMERCIAL (SERVICE GARAGE)	
9. BUILDING SETBACKS:	REQUIRED - 35 FEET PROVIDED - 35 FEET	PROVIDED - 35 FEET
10. SETBACK AVERAGING:	REQUIRED - 35 FEET PROVIDED - 35 FEET	PROVIDED - 35 FEET
11. BUILDING AREA:	SERVICE GARAGE (9 BAYS) - 11,360 SQ. FT.	
12. PARKING:	REQUIRED - 25 SPACES PROVIDED - 25 SPACES	
13. UTILITIES:	SEWER - PUBLIC WATER - PUBLIC	
14. SPECIAL EXCEPTION:	SECTION 230.13 FOR A SERVICE GARAGE IN A BL ZONE	
15. VARIANCE:	SECTION 232.1 AND 303.1 FOR A FRONT YARD SETBACK OF 50' IN LIEU OF THE REQUIRED 75'	

DWG.
CHARLES E. HOWARD
AND WIFE
5-747/078

- 1. ELECTION DISTRICT: 8
- 2. COUNCILMANIC DISTRICT: 3
- 3. CENSUS TRACT: 406.02
- 4. WATERSHED: 24
- 5. SUBWATERSHED: 57
- 6. DEED REFERENCE: 6207781
- 7. PROPERTY ACCOUNT NO.: 18400-014-244
- 8. TAX MAP 96, GRID 18, PARCEL 578
- 9. FLOOR AREA RATIO: MAXIMUM PERMITTED - 1.0
- 10. AREA BASED UPON BL ZONED "NET" OF SITE AND 10' OF YORK ROAD RIGHT OF WAY
- 11. HEIGHT OF BUILDING: PERMITTED - 45' PROPOSED - NOT TO EXCEED 35'
- 12. MASS TRANSIT ADJUSTMENT: N/A
- 13. OWNERSHIP: 1705 YORK ROAD, LLC LUTHERVILLE, MD 21093
- 14. TO THE BEST OF OUR KNOWLEDGE, NO HAZARDOUS MATERIALS EXIST ON SITE
- 15. AMENITY OPEN SPACE: N/A
- 16. SIGNS: ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 413.022R
- 17. PREVIOUS COMMERCIAL PERMITS: ROWITT-72291
- 18. PREVIOUS ZONING HEARINGS: NONE
- 19. NO DAMAGED OR DISABLED VEHICLES WILL BE STORED OUTSIDE THE BUILDING
- 20. ALL PARKING LOT AND BUILDING MOUNTED LIGHTING TO BE DIRECTED AWAY FROM ADJACENT RESIDENCES
- 21. ALL EXTERIOR MOUNTED SECURITY ALARM SYSTEMS TO BE PLACED ON THE NORTH AND/OR WEST BUILDING WALLS
- 22. PARKING REQUIREMENTS WITHIN RTA: THIS PLAN SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CRITERIA AS SET FORTH IN SECTION 409.05 (3) AS FOLLOWS:
 - a. THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED
 - b. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 - c. NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 - d. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED. NO LIGHTING FIXTURES WITHIN RTA AREA TO EXCEED 16' HIGH
 - e. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.
 - f. METHOD AND AREA OF OPERATION AND VEHICLE MAINTENANCE AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.
- 23. ANY CONDITIONS NOT LISTED ABOVE WHICH IN THIS ALPHABETICALLY LISTED ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES

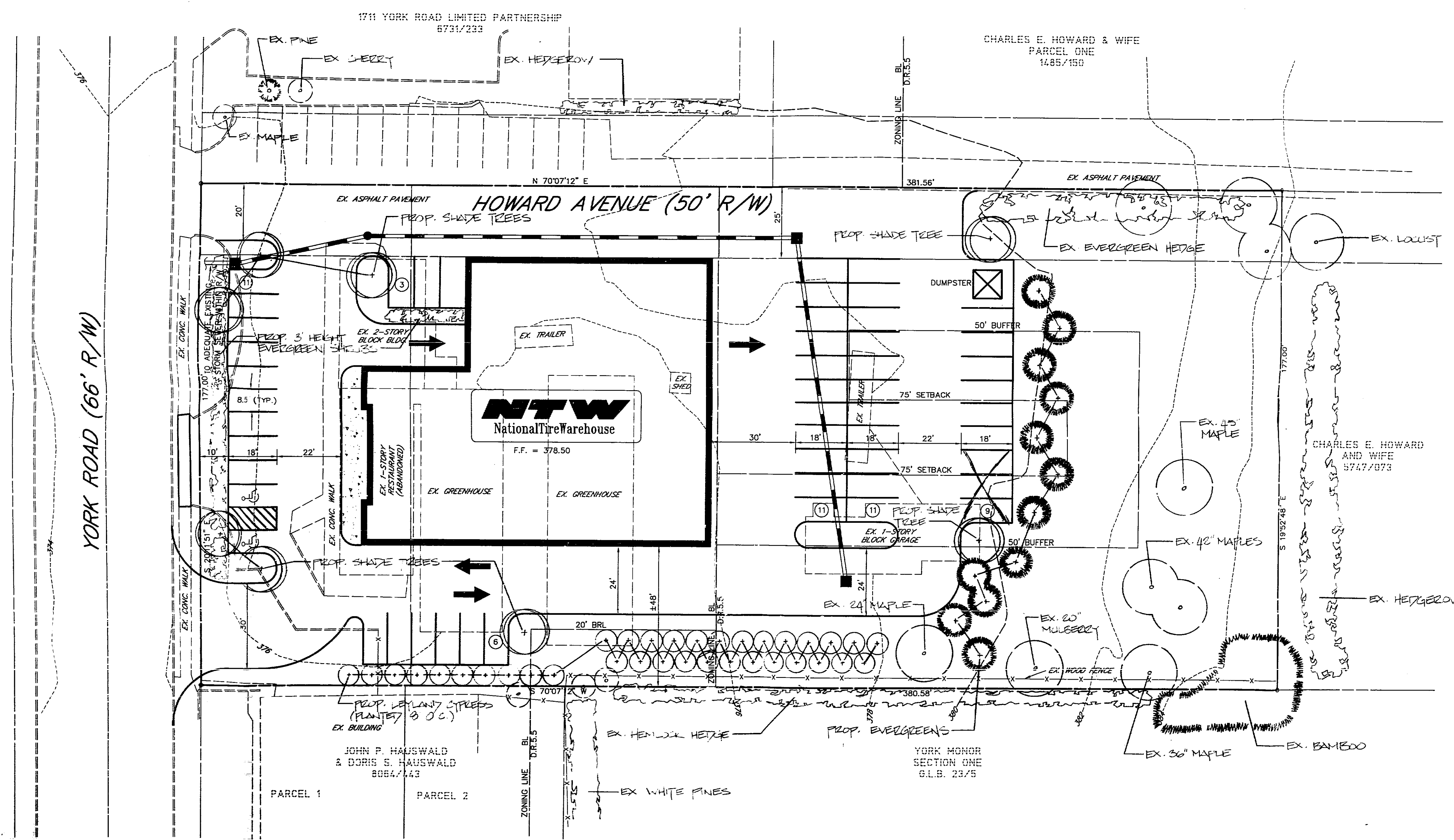
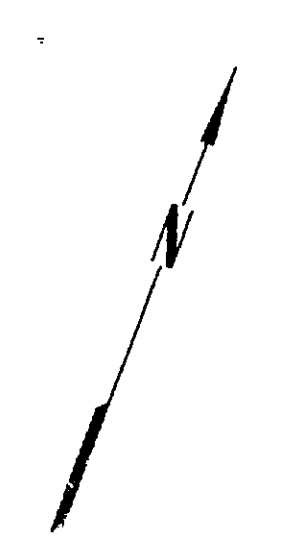
PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCE APPLICATION

1705 YORK ROAD
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
COURTHOUSE COMMONS
1204 BOSLEY AVENUE, SUITE B-7
LUTHERVILLE, MARYLAND 21093
(410) 494-8931

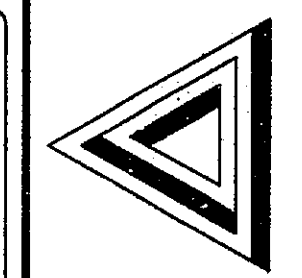
APPLICANT:
NATIONAL TIRE WAREHOUSE
2339 RESEARCH DRIVE
WOODBRIDGE, VIRGINIA 22192 • 4607

DATE: 10 / 9 / 95
JOB NO: 95 - 22
SCALE: 1" = 20'



Ret Ex #3
TRK

1705 YORK ROAD
BALTIMORE CO., MD.



TRI-TEK ENGINEERING
CIVIL & ENVIRONMENTAL & LAND PLANNING
a professional corporation
Harrison, Virginia 22070-5503 (703) 461-5800

NTW INCORPORATED
BALTIMORE COUNTY, MARYLAND
8TH ELECTION DISTRICT

CONCEPTUAL GRADING PLAN

SCALE: 1"=20'
DATE: 1/22/96
DRN: M.S.D.
CKD: T.D.B.
SHEET 1 OF 1

ORDER RECEIVED FOR FILING
Date By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan depicting the modified parking agreement which eliminates the six (6) parking spaces that were to be relocated to the rear of this site. Furthermore, the Petitioners shall submit a plan showing the proposed location of the dumpster to the Office of Planning and Zoning for review and approval, prior to the issuance of any building permits.

3) The special exception relief granted herein is limited to the B.L. zoned portion of the site. There shall be no expansion of this special exception into the D.R. 5.5 zoned portion of the site.

4) All lighting for the subject site shall be as shown on Petitioner's Exhibit 3. The light standards shall contain the shoe-box type of lighting shades and shall be illuminated Monday through Saturday, from 7:00 AM to 8:00 PM, only. From 9:00 PM until sunrise daily, NTW shall only utilize security lighting to illuminate the property as is appropriate for security purposes.

5) Any and all alarms or bells which shall be installed on the building itself shall be oriented towards York Road so as not to impose upon the quiet enjoyment of the surrounding residential community.

6) The residential zoned portion of the site located to the rear of the property behind the parking area shall remain undeveloped in its natural state, with the exception of the additional screening and landscaping which is to be installed by the Petitioner.

7) The Petitioner shall replace the existing wood fence with a new wood fence, and shall maintain same in good condition.

8) The identification sign for NTW shall be as shown on Petitioner's Exhibit 1, and shall be similar to the sign which is presently used to identify the NTW store on Reisterstown Road. There shall be no temporary banners or inflatable promotional devices used at the subject site, except for a two-week period during NTW's grand opening.

- 7 -

TMK:bjs

ORDER RECEIVED FOR FILING
Date By

9) All tires, both new and used, shall be stored within the building itself. No tires shall be permitted to be stored outside on the property.

10) The height of the NTW building is limited to 18'10" and the landscaping proposed along the south and east property lines shall be Leland Cypress and evergreens as shown on Petitioner's Exhibit 3.

11) All deliveries to and from NTW shall be made during regular business hours. Furthermore, all trash removal from the subject site shall be done during regular business hours.

12) The parking spaces located to the rear of the subject property in the D.R. 5.5 zoned portion of the site, shall be utilized for parking by NTW employees and customers, only, and shall not be used for any other purpose.

13) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 26, 1996

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NE/S York Road at Howard Avenue
(1705 York Road)
8th Election District - 3rd Councilmanic District
1705 York Road, LLC - Petitioners
Case No. 96-193-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lawrence Thayer, Managing Member, 1705 York Road, LLC
1705 York Road, Lutherville, Md. 21093

Mr. David Lawrence, Manager, National Tire Warehouse
2359 Research Drive, Woodbridge, Virginia 22192-4607

Mr. William P. Monk, 222 Bosley Avenue, Towson, Md. 21204

John Austin, Esquire, 1504 Bedworth Road, Lutherville, Md. 21093

People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

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And Special Hearing
Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at 1705 York Road, Lutherville, MD 21093

which is presently zoned BL and DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage in a BL zone pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

And a special hearing to approve a use permit for parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

ORDER RECEIVED FOR FILING
Date By

General Purchaser/Lessor:
National Tire Warehouse
(Type or Print Name)
By: *David Lawrence*
Signature: *David Lawrence*, Manager
2359 Research Drive
Woodbridge, VA 22192-4607
City State Zipcode

Legal Owner(s):
1705 York Road, LLC
(Type or Print Name)
By: *Robert A. Hoffman*
Signature: *Robert A. Hoffman*, Managing Member
1705 York Road
Lutherville, MD 21093
City State Zipcode

By: *Robert A. Hoffman*
Signature: *Robert A. Hoffman*, Managing Member
1705 York Road, LLC
1705 York Road
Lutherville, MD 21093
City State Zipcode

By: *David Lawrence*
Signature: *David Lawrence*, Manager
2359 Research Drive
Woodbridge, VA 22192-4607
City State Zipcode

By: *John Austin*
Signature: *John Austin*, Esquire
1504 Bedworth Road
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By: *William P. Monk*
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700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4509

DATE: 11/15/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: NATIONAL TIRE WAREHOUSE

LOCATION: NE/S YORK RD., 300' NW OF CENTERLINE HADDINGTON RD.
(1705 YORK RD.)

Item No.: 188 Zoning Agenda: SPECIAL HEARING
SPECIAL EXCEPTION/VARIANCE

Gentlemen:

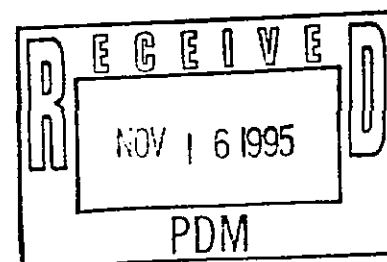
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #188)
Legal Owner: 1705 York Road, LLC
1705 York Road
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The BCZR section reference in "B" of the variance petition wording appears garbled. The BCZR reference should be 1B01.1.B.1., etc. instead of 2B01., etc. Also, the referenced relief is for setbacks only with no reference to buffers, though the 50-foot buffer dimension is stated.

2. The proposed RTA buffers should be in heavy outline and clearly labeled as to their nature and extent.

Robert A. Hoffman, Esquire
November 16, 1995
Page 2

3. Confirm the ownership and the right to use the 50-foot Howard Avenue right-of-way shown as "private" on the plan.
4. The special exception area should not be included in the overall description (but described separately for the B.L. zone only) as the D.R. zone does not permit service garage uses by right or by special exception.

If you need further information or have any questions, please do not hesitate to contact me at 887-3381.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: April 3, 1996

To: Mr. Wirth - DEPRM, SWM
Mr. Stewart - DEPRM, EIRD
Mr. Seeley - DEPRM, W & S
Mr. Richards - PDM, Development Control,
Mrs. Rorke - PDM, House Numbers & Street Names
Mr. Bowling - PDM, DES (4)
Capt. Paul - Fire Dept. - 1102F
Mr. Grossman - Rec & Parks
Mr. Small - SHA (3)
Mr. McDaniel - OP2, Development Review (3)

From: Carol A. Brown CAB

Subject: Project Name: NTW - 1705 YORK ROAD
Project No.: 96049-Z
PDM No.: VII-675
District: 8C3
Engineer: TRI-TECK ENGINEERING, INC.
Phone No.: (703) 481-5900

Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by **WEDNESDAY, APRIL 24, 1996**. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____

Please initial here if your agency requests PDM, Land Acquisition, to acquire

<input type="checkbox"/> HIGHWAY WIDENING	<input type="checkbox"/> FOREST BUFFER
<input type="checkbox"/> GREENWAY	<input type="checkbox"/> FLOODPLAIN
<input type="checkbox"/> DRAINUTILITY EASEMENT	<input type="checkbox"/> PUBLIC WORKS AGRMT
<input type="checkbox"/> FOREST CONSERVATION	<input type="checkbox"/> NONE OF THE ABOVE

LTDEXEMP.DOT

NTW
1705 York Road
96-049-Z

Limited Exemption Plan Review
Plan Date: 3/25/96
Zoning Case #96-193-SPHXA

Comments Due: 4/24/96
Comments Date: 4/5/96
Comments Typed: 4/5/96

This site was approved in the above referenced zoning case and though this plan basically agrees with the approved site plan, some changes have been made. The plans must be in agreement and the following comments address this issue.

Include the order, amended order, and all zoning restrictions from case #96-193-SPHXA on the plan.

Clarify how the parking locations as approved by the commissioner on petitioner's exhibits differ on this plan, yet the number of total parking spaces provided (52) remains unchanged.

Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with the Baltimore County Zoning Regulations (BCZR), Section 413.2 and .5 and all zoning sign policies or a zoning variance is required.

Resubmit copies of plans revised per these comments with a copy of same for further zoning compliance review.

Final zoning approval is contingent first upon all plan comments being addressed on the development plan; secondly upon the final resolution of all comments; the outcome of any requested zoning hearings; and finally the inclusion of the blue commercial checklist information being included on the building permit site plans.

John L. Lewis
JOHN L. LEWIS
Planner II

NTW
1705 York Road
96-049-Z

2nd Review Limited Exemption Plan Dated 6/14/96

Comments Date: 6/21/96

Comments Due: 6/28/96

1. The building and some parking/maneuvering areas have been changed from the approved site plan in case #96-193-SPHXA. The development plan cannot be approved until 2 red-lined zoning case site plans (Petitioner's Exhibit 1), showing and listing all changes, is provided to the director of PDM for a determination that the changes can be approved as being within the spirit and intent of the zoning case and order. A \$40.00 fee is charged for this review. Document the director's response on the revised limited exemption development plan.

2. Include the PDM limited exemption number on the plan and state the date of this DRC action with the type of exemption given (b.97).

3. Remove the dumpster from the residentially zoned area. This conflicts with the approved plan and zoning case restrictions #3, 6, and 12, as well as Section 409.8.B.2.C. (BCZR).

4. Add the amended zoning case order and restriction to sheet 2 of these plans.

5. Submit revised plans and a copy of these comments for zoning review once the spirit and intent determination has been made.

John L. Lewis
JOHN L. LEWIS
Planner II, Zoning Review

JLL:scj

~~Case Zoning Case #96-193-SPHXA~~

Call in to Tuck 7/9/96
Plan OK
MSG.
Letter from Comm from Rob Hoffman.
DUMPSTER IN RESTRICTED AREA
RELATIONSHIP OF PKG.
Waiting for stuff from R.H.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION * ZONING COMMISSIONER
PETITION FOR VARIANCE *
1705 York Road, NE/S York Road, 300' NW * OF BALTIMORE COUNTY
of c/l Haddington Road, 8th *
Election District, 3rd Councilmanic * CASE NO. 96-193-SPHXA
1705 York Road, LLC *
Petitioner *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE
ATTORNEYS AT LAW

VENABLE, BATTER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 521-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:

October 31, 1995

Hand Delivery

Mr. Carl Richards
Department of Permits
and Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Property Owner: 1705 York Road, LLC
Petitioner: National Tire Warehouse
Location: 1705 York Road
Petition for Special Exception and Variance

Dear Mr. Richards: *Carl*

I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. The petitioner proposes to use the site as a service garage. John Lewis has met with the engineer numerous times and is very familiar with this project and the requested zoning relief. Also, there are no outstanding zoning violations on site. Enclosed are the following documents:

1. Petition for Special Exception (3)
2. Petition for Variance (3)
3. Zoning description (3)
4. 200' scale zoning map (1)
5. Site Plans (12)
6. Check in the amount of \$620.00

VENABLE
ATTORNEYS AT LAW

Mr. Carl Richards
October 31, 1995
Page 2

If you have any questions, please give me a call.

Sincerely,

Barbara W. Ormord
Barbara W. Ormord
Legal Assistant

bw
cc: Robert A. Hoffman, Esquire
T01DOC51/BAW01/0005612.01

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OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6202

February 13, 1996

VIA HAND DELIVERY

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Variance
Case No.: 96-193SPHXA

Dear Mr. Kotroco:

After much discussion with John Austin of the York Manor Community Association, I am pleased to enclose a copy of a site plan that modifies Petitioners' Exhibit No. 1.¹ Specifically, the proposed NTW facility is relocated farther to the north which gives additional room for the double row of parking on the south. Also, additional parking is provided on the south and the east and the dumpster has been necessarily relocated to the northeast corner of the site.

As mentioned at the hearing, the relocation of the building to the north would necessitate, in our opinion, an additional row of parking to the rear (east) of the site. At John's community board meeting, there was a great deal of concern over these parking spaces and a fear that these spaces may be utilized for some other purpose in the future. Accordingly, NTW has removed three of the additional parking spaces and would agree to a restriction in your Order that the remaining easternmost parking spaces can only be utilized for the NTW facility and no other purpose.

This revised site plan and the proposal for this additional restriction in your Order is over and above those restrictions agreed to at the hearing some months ago.

¹ The site plan enclosed will be replaced shortly with a Plan that includes all the detail required for a zoning plat.

VENABLE
ATTORNEYS AT LAW

Timothy M. Kotroco
February 13, 1996
Page 2

Thank you for your patience and consideration.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/pmp
Enclosure

cc: John A. Austin, Esquire
Mr. Theodore D. Britt
Mr. David Lawrence

T01DOC51/RAH01/0019477.01

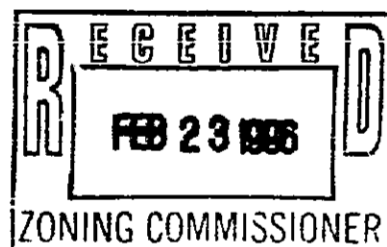
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February 26, 1996



VIA HAND DELIVERY

Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 96-193SPHXA
National Tire Warehouse - Petitioner

Dear Mr. Kotroco:

I received John Austin's letter of February 20, 1996 and have discussed the substance of the letter with my client. NTW feels strongly that moving the building to the north (as requested) does not provide the best parking layout and thus the desire for the 6 additional spaces.

As further protection for the community, my client is willing to designate these 6 spaces as employee parking only, further limiting the amount of movement in and out of these spaces.

The cooperation of the York Manor residents and Association has been greatly appreciated throughout this process, and no matter what your decision on this last remaining issue, my client looks forward to a long and cordial relationship with them.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:pvb
cc: John A. Austin, Esquire
T01DOC51/RAH01/0020220.01

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Robert A. Hoffman
(410) 494-6202

March 27, 1996

VIA HAND DELIVERY

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Deputy Zoning Commissioner Case No. 96-193-SPHXA
National Tire Warehouse, Petitioner

Dear Tim:

Enclosed is a copy of a revised site plan which complies with your Order and amended Order in the referenced case. You should note that several things have been modified on the plan. First, the "additional" parking area to the rear of the site has been removed. Second, the double row of Leland Cypress is shown along the southern property line. (Please note that the plan does not show the extent of landscape that will be required on the rest of the site to comply with the Baltimore County Landscape Manual.) Third, the Office of Planning's approval of the dumpster location is shown enlarged at the top center of the site plan. Fourth, a slight adjustment to the entrance/drive has resulted in one additional parking space in the BL zone.

I ask that you please initial the plan and include it as part of the permanent case file. Thank you for your consideration.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:pvb
cc: John Austin, Esquire (w/enclosure)
T01DOC51/RAH01/0022112.01

JOHN A. AUSTIN
ATTORNEY AND COUNSELOR AT LAW
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February 20, 1996

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception and Variance
Case No.: 96-193SPHXA - National Tire Warehouse

Dear Mr. Kotroco:

I am writing to you on behalf of the York Manor Improvement Association regarding the above-referenced application that is submitted on behalf of National Tire Warehouse by and through their counsel, Robert A. Hoffman, Esquire. Specifically, I am responding to the letter of February 13, 1996 to you from Mr. Hoffman and the site plan that accompanied that letter.

It is correct that following the last hearing before you concerning this issue that Mr. Hoffman's clients have made several significant changes at the request of the Association and these changes are incorporated in the new site plan. The Association, however, continues to have a concern over the necessity for having the last row of parking spaces that has been indicated on this new plan. This row of parking spaces was not indicated on the plan that was submitted at the time of the original hearing, but is a development that has been included since that time. In his letter and on the site plan itself, Mr. Hoffman indicates that NTW would be willing to reduce the number of spaces along the back row from 9 to 6, including a space for the dumpster. By my count, this would give NTW a total of 57 parking spaces, including the nine parking spaces in the interior of the building as indicated on the original plan. That original plan showed that 38 spaces were required for this site and that plan, which did not include the final row of parking spaces, had a total of 52 parking spaces. The present plan now calls for a total of 57 parking spaces, including the 9 interior spaces. Even without the final row of 6 additional parking spaces, the site would still have 51 available parking spaces, only 1 less than they originally requested.

The Association, and the York Manor residents who live most immediately adjacent to the property, would request that this additional row of 6 parking spaces not be approved. Both the Association and the adjoining neighbors are concerned about the expansion of commercial development in to what were formerly quiet

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Timothy M. Kotroco, Deputy Zoning Commissioner
February 20, 1996

residential areas. The York Road corridor is an area of intense commercial development that, at present, is confined to a narrowly restricted area along York Road, which, on this property, is represented by the current BL zoning line. The Association and the adjoining neighbors are concerned that any expansion into areas currently zoned residential be of a limited nature. Because this last row of parking spaces represents an unnecessary extension of the parking area that is not needed for the business itself, we would ask that the plan be approved only if this last row is eliminated. While we are appreciative of NTW's willingness to restrict the use of those parking spaces only for their facility, a much more definitive resolution of the issue is simply to eliminate the spaces. Given the proposed use of the site, which would be limited to tire sales and installation, and "ride related repairs", it is difficult to imagine that normal day in and day out flow of customers to and from this property would exceed 51 parking spaces. For this reason, as well as the others presented previously, we would ask that the plan be approved without the eastern most row of parking spaces.

Very truly yours,

John A. Austin
John A. Austin

JAA/afg

cc: Robert A. Hoffman, Esquire